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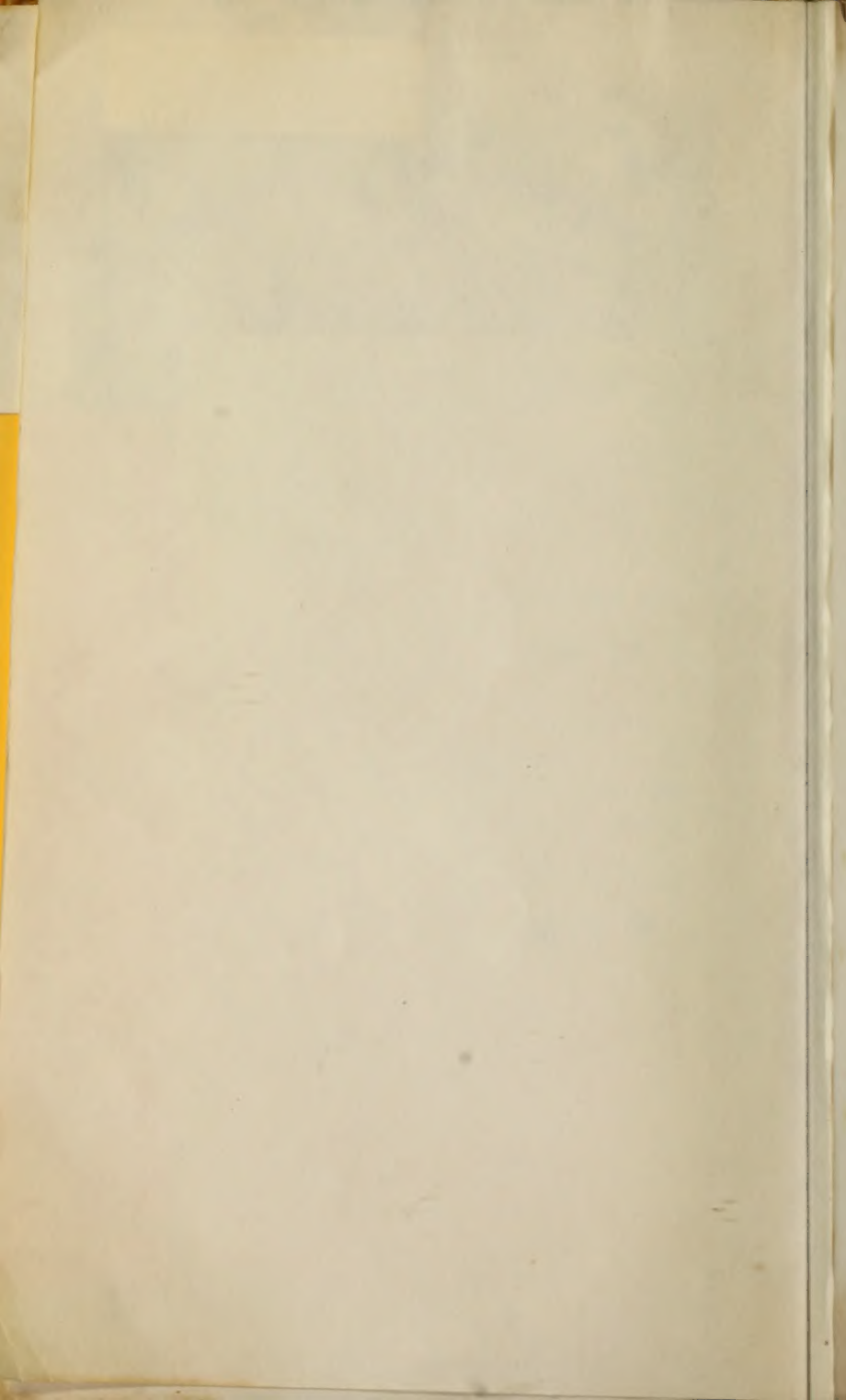
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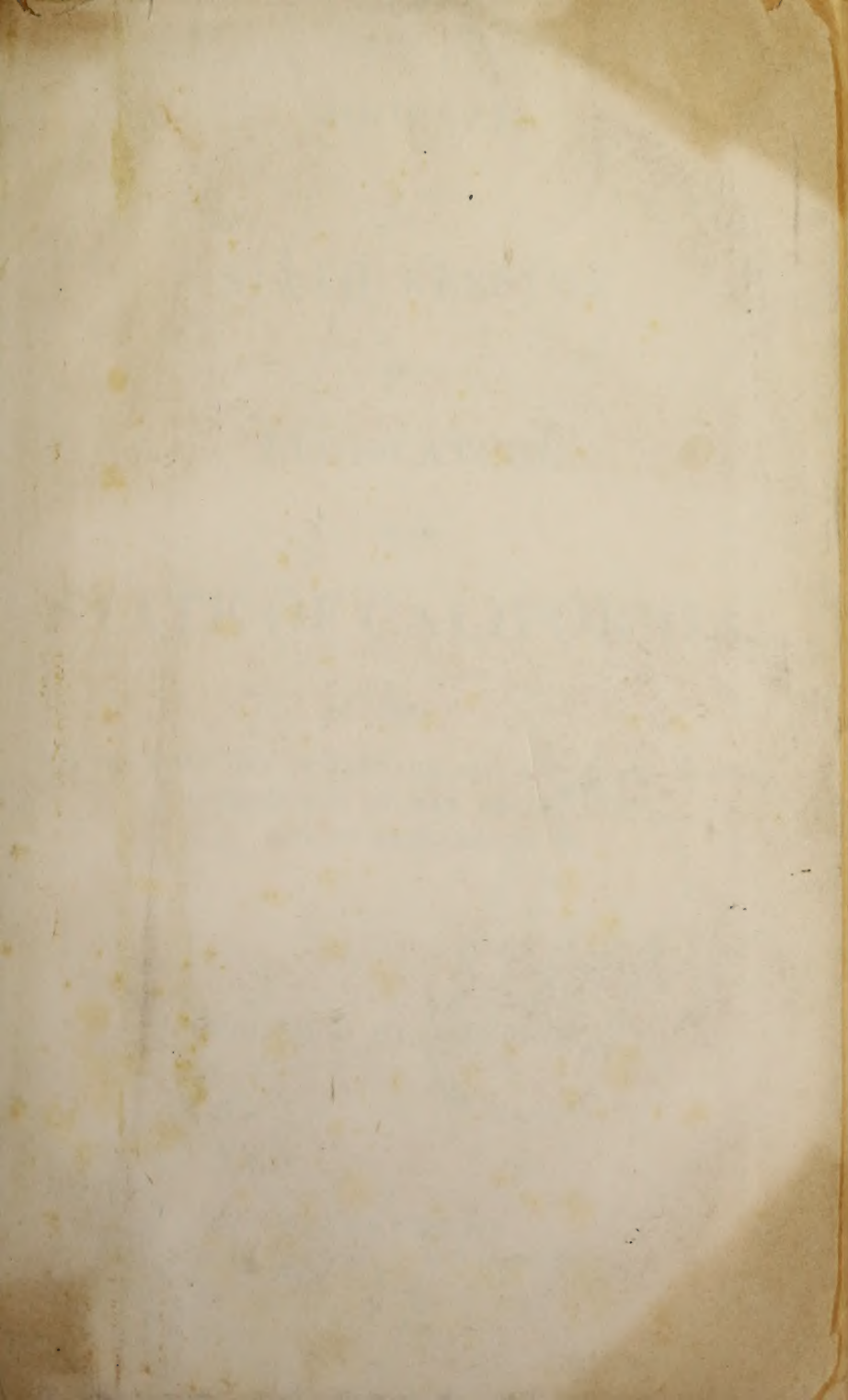
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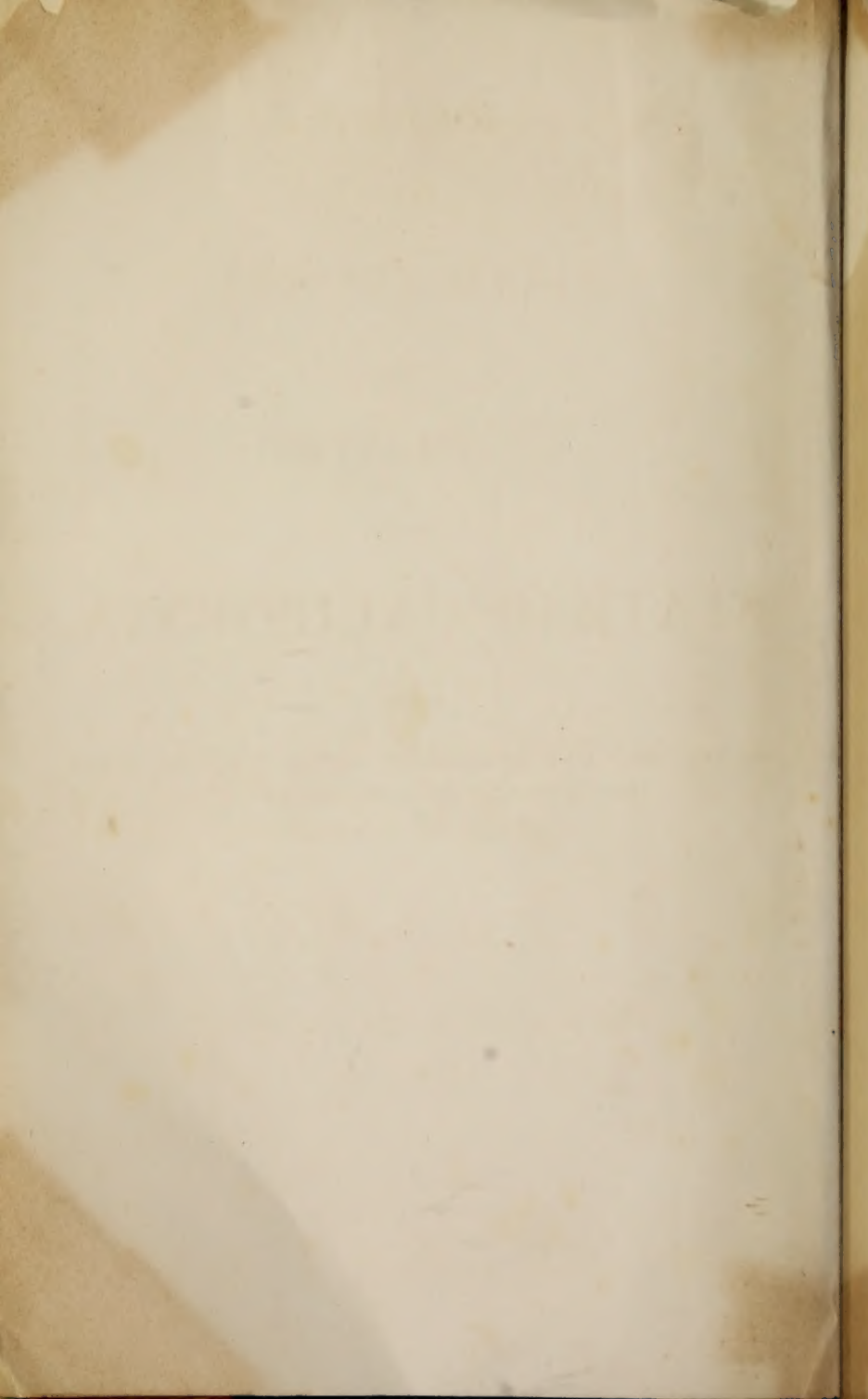
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# JOURNAL

OF THE

## SIXTH SESSION

OF THE

## LEGISLATURE

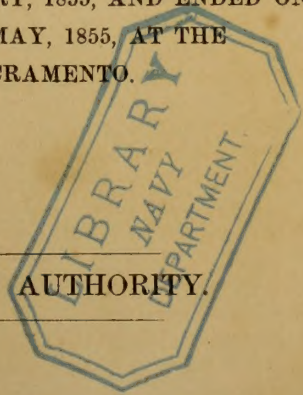
OF THE

# STATE OF CALIFORNIA,

BEGUN

ON THE FIRST DAY OF JANUARY, 1855, AND ENDED ON THE  
SEVENTH DAY OF MAY, 1855, AT THE  
CITY OF SACRAMENTO.

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PUBLISHED BY AUTHORITY.  
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SACRAMENTO:

B. B. REDDING, STATE PRINTER.

1855.

D. 03  
(Doc.)

1877

STATE OF CALIFORNIA

LEGISLATURE

JOURNAL

STATE OF CALIFORNIA

PROCEEDINGS OF THE SENATE



**JOURNAL**

OF THE

**PROCEEDINGS OF THE SENATE.**

The first of these is the fact that the population of the United States has increased from 3,929,214 in 1800 to 31,349,337 in 1870. This increase has been the result of a number of causes, the most important of which are the following:

1. The immigration of foreign-born persons into the United States. This has been the result of a number of causes, the most important of which are the following:

a. The discovery of gold in California in 1848, which led to a large influx of immigrants from all over the world.

b. The discovery of gold in Colorado in 1859, which led to a large influx of immigrants from all over the world.

c. The discovery of gold in Nevada in 1859, which led to a large influx of immigrants from all over the world.

d. The discovery of gold in Idaho in 1860, which led to a large influx of immigrants from all over the world.

e. The discovery of gold in Montana in 1865, which led to a large influx of immigrants from all over the world.

f. The discovery of gold in Arizona in 1866, which led to a large influx of immigrants from all over the world.

g. The discovery of gold in New Mexico in 1867, which led to a large influx of immigrants from all over the world.

h. The discovery of gold in Utah in 1868, which led to a large influx of immigrants from all over the world.

i. The discovery of gold in Wyoming in 1869, which led to a large influx of immigrants from all over the world.



# JOURNAL OF THE SENATE.

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IN SENATE.

MONDAY, January 1, 1855.

Pursuant to the provisions of the Constitution, the Senate met, and at 12 o'clock, M., was called to order by John Y. Lind, the Secretary of the last session.

Prayer by the Rev. Mr. Woodbridge.

Upon taking the Chair, the President submitted the following remarks :

*Senators :—*

Once more I congratulate you upon the favorable circumstances under which you have assembled.

Our country is at peace, its people in the enjoyment of plenty, its republican principles firmly established, and compelling the respect of the world; and healthful progress is stamped upon all our national institutions.

We cannot but contrast this happy and hopeful condition of things, with the turbulent state of uncertainty and warfare which is desolating many of the finer portions of Europe and Asia.

Our free government, which, it was predicted, would be one of revolutions, now challenges the world for its parallel in peace and progress, while the monarchies of Europe are embroiled in warlike conflict, for purposes of royal ambition, in which the spirit of selfish aggression is made to assume the garb of patriotism.

Every true American heart must feel prouder by that contrast. Since we separated, our nation has enlarged her borders, and her step is still onward,

“On the track of the Sun.”

“Westward the Star of Empire holds it's way.” Over the hills of New England and the savannahs of the South; across the Connecticut and the Hudson; beyond the Ohio and the Mississippi; traversing the Missouri and Humboldt; over the Rocky Mountains and the Sierra Nevada, to the verge of our grand Pacific, has our nation advanced.

But it lingers there not long. Over the ocean wave its voice has been heard and a welcome given; and the hour is close at hand, when, in those beautiful and interesting Islands, two thousand miles westward, the royal standard will be supplanted by the "Stripes and Stars."

Considering these satisfactory results of an enlightened freedom, our duty, as patriots, is plain.

Our own State is the true field for the exercise of our influence. It is a good and great State; full of generous mines and generous minds. It gives indisputable indication of its capacity for a great future—a glorious destiny. No small amount of the influences which are to fashion and develop that destiny, to diffuse the light and shade over that future, rests, gentlemen, with you.

From your tongues and lips will fall words which will act as moral and intellectual engines of power, long after they, and those who shall utter them, will have passed away like an echo.

The laws you frame, the arguments you use, the influences you exert, are innumerable in the coloring they will give hereafter to the institutions of the State, and the character of its people.

In the deliberations, which it may be our fortune mutually to share, I need not appeal to such of you as I have heretofore had the honor to preside over, for an extension of the courtesies and forbearance which my position and abilities may need. Your past kindness and consideration are, to me, an assurance of future harmony. And, from such of you as meet here thus for the first time, I doubt not that the uniform kindness heretofore extended to me by your predecessors and associates, I shall also receive at your hands.

Hoping that our discussions may tend to the public welfare, and that our association may be productive only of satisfaction to ourselves and prosperity to our fellow citizens, our "State and Nation," I once more congratulate you, and bid you God speed in your deliberations.

By the order of the President, the names of Senators holding over were called, and the following answered to their names:

Messrs. Crenshaw, Hall, Keene, Kendall, Leake, Mahoney, May, McGarry, Moore, Sprague, Stebbins, Tuttle and Whiting.

The following Senators elect, answered to their names, presented their credentials, and were qualified by the Hon. Chas. H. Bryan of the Supreme Court:

Messrs. McNeill, Mandeville, McCoun, Gove, Heintzleman, Lippincott, Rust, Burton, Hawthorne, Hook, French, Norman and Scellen.

Mr. Keene submitted the following :

*Resolved*, That the standing rules of the last Senate be adopted by this Senate, until further ordered; and that a committee of three be appointed by the President, to digest and report suitable rules for the government of this body.

Adopted,

And Messrs. Keene, Sprague and Moore were appointed the Committee.

Mr. Hall moved the following :

*Resolved*, That the Secretary be directed to number the seats in the Senate Chamber, and that Senators draw for their seats on Tuesday next.

On motion of Mr. May, the resolution was laid upon the table.

Mr. Kendall submitted the following :

*Resolved*, That the Rev. Mr. Woodbridge be declared the Chaplain of the Senate for the present session.

Mr. Tuttle submitted the following substitute :

*Resolved*, That the Senate now proceed to ballot for a Chaplain for the session now commenced.

On motion of Mr. Hall, the subject was laid on the table.

On motion of Mr. Lippincott, the Senate adjourned.

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## IN SENATE.

TUESDAY, January 2, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. Whiting submitted the following :

*Resolved*. That the Senate proceed to elect by ballot, in the following order, a Secretary and Assistant Secretary, Engrossing and Enrolling Clerks, Sergeant-at-Arms and Door Keeper, and President *pro tempore*, as permanent officers for the present session.

Mr. Mandeville moved the resolution lie upon the table.

Upon which the ayes and nays were demanded by Messrs. Leake, Mandeville and Crenshaw, which was agreed to by the following vote :

### AYES.

Messrs. Burton, Crenshaw, Day, French, Gove, Hawthorne, Heintzleman, Hook, Keene, Kendall, Leake, Mandeville, McCoun, McFarland, McNeill, Norman, Peck, Rust, Scellen, Stebbins—20.

### NAYS.

Messrs. Colby, Hall, Lippincott, May, McGarry, Moore, Sprague, Tuttle, Whiting—9.

Mr. Day, Senator elect from the Fourth District, and Mr. Hawkes, Senator elect from the Fifth District, appeared, presented their credentials, and were qualified by the Hon. Chas. H. Bryan, of the Supreme Court.

Mr. Leake moved that the Senate adjourn.

Upon which the ayes and noes were demanded by Messrs. Tuttle, Hall and Moore, and it was lost by the following vote :

AYES.

Messrs. Crenshaw, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McNeill, Norman, Stebbins—14.

NAYS.

Messrs. Burton, Colby, Hall, Hawkes, Hawthorne, Lippincott, Mahoney, May, McCoun, McGarry, Moore, Peck, Rust, Scellen, Sprague, Tuttle, Whiting—17.

Mr. Mandeville submitted the following :

*Resolved*, That the Secretary of State be authorized to purchase a clock for the use of the Senate.

Which was adopted.

Mr. Burton moved to take from the table the resolution to proceed with the election of officers of the Senate.

Upon which the ayes and nays were demanded by Messrs. Leake, Kendall and French, and it was agreed to by the following vote :

AYES.

Messrs. Burton, Colby, Day, Hall, Hawkes, Hawthorne, Lippincott, Mahoney, May, McCoun, McGarry, Moore, Peck, Scellen, Sprague, Tuttle and Whiting—17.

NAYS.

Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McNeill, Norman and Rust—13.

Mr. Mandeville moved to postpone the consideration of the resolution until tomorrow, at 12 o'clock.

Upon which the ayes and nays were demanded by Messrs. Leake, Mandeville and Peck, and it was lost by the following vote :

AYES.

Messrs. Crenshaw, Day, French, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McNeill, Norman, Rust and Stebbins—14.

NAYS.

Messrs. Burton, Colby, Gove, Hall, Hawkes, Hawthorne, Lippincott, Mahoney, May, McCoun, McGarry, Moore, Peck, Scellen, Sprague, Tuttle and Whiting—17.



Mr. Crenshaw moved to postpone the consideration of the resolution until to-morrow at 11 o'clock.

Upon which the ayes and nays were demanded by Messrs. Crenshaw, French and McGarry, and it was lost by the following vote :

AYES.

Messrs. Crenshaw, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, Mandeville, McFarland, McNeill, Norman, Rust and Stebbins—15.

NAYS.

Messrs. Burton, Colby, Hall, Hawkes, Hawthorne, Lippincott, Mahoney, May, McCoun, McGarry, Moore, Peck, Scellen, Sprague, Tuttle, and Whiting—16.

Mr. McFarland moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Leake, May and Keene, with the following result :

AYES.

Messrs. Crenshaw, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McNeill, Norman, Rust and Stebbins—15.

NAYS.

Messrs. Burton, Colby, Gove, Hawkes, Hawthorne, Lippincott, Mahoney, May, McCoun, McGarry, Moore, Peck, Scellen, Sprague, Tuttle and Whiting—16.

Mr. Whiting moved to amend the resolution by striking out the words "by ballot" and inserting "viva voce."

Upon which the ayes and nays were demanded by Messrs. Leake, French and Crenshaw, and it was agreed to by the following vote :

AYES.

Messrs. Burton, Colby, Crenshaw, Day, French, Gove, Hall, Hawkes, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, Mandeville, May, McCoun, McFarland, McGarry, McNeill, Moore, Norman, Peck, Rust, Scellen, Sprague, Stebbins, Tuttle and Whiting—30.

NAY.

Mr. Mahoney—1.

Mr. Kendall moved that the resolution lie on the table.

Upon which the ayes and nays were demanded by Messrs. May, Sprague and Kendall, and it was lost by the following vote :

AYES.

Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McGarry, McNeill, Norman, Rust and Stebbins—15.

## NAYS.

Messrs. Burton, Colby, Day, Hall, Hawkes, Hawthorne, Lippincott, Mahoney, May, McCoun, Moore, Peck, Scellen, Sprague, Tuttle and Whiting—16.

Mr. Mandeville moved to amend the resolution by inserting the word "Chaplain" before the word "Secretary."

Upon which the ayes and nays were demanded by Messrs. Moore, Colby and Mahoney, and it was agreed to by the following vote :

## AYES.

Messrs. Crenshaw, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McFarland, McGarry, McNeill, Norman, Peck, Rust, Scellen, Stebbins—19.

## NAYS.

Messrs. Burton, Colby, Hall, Hawes, Hawthorne, Lippincott, Mahoney, McCoun, Moore, Sprague, Tuttle and Whiting—12.

Mr. French moved to strike out all after the word "Chaplain."

Mr. Norman moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Leake, McGarry and Mandeville, and it was lost by the following vote :

## AYES.

Messrs. Crenshaw, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McNeill, Norman, Rust and Stebbins—15.

## NAYS.

Messrs. Burton, Colby, Hall, Hawkes, Hawthorne, Lippincott, Mahoney, May, McCoun, McGarry, Moore, Peck, Scellen, Sprague, Tuttle and Whiting—16.

The vote recurring upon the motion to strike out, the ayes and nays were demanded by Messrs. Hall, Lippincott and Mahoney, and the following vote was had :

## AYES.

Messrs. Crenshaw, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McNeill, Norman, Rust and Stebbins—15.

## NAYS.

Messrs. Burton, Colby, Hall, Hawkes, Hawthorne, Lippincott, Mahoney, May, McCoun, McGarry, Moore, Peck, Scellen, Sprague, Tuttle and Whiting—16.

Mr. Mandeville moved to refer the resolution to a select committee of three, with instructions to report to-morrow at 12 o'clock.

Upon which the ayes and nays were demanded by Messrs. Hall, Colby and Burton, and it was lost by the following vote :

## AYES.

Messrs Crenshaw, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McNeill, Norman, Rust and Stebbins—15.

## NAYS.

Messrs. Burton, Colby, Hall, Hawkins, Hawthorne, Lippincott, Mahoney, May, McCoun, McGarry, Moore, Peck, Scellen, Sprague, Tuttle and Whiting—16.

Mr. Heintzelman moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Whiting, Hall and Moore, and it was lost by the following vote :

## AYES.

Messrs. Crenshaw, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Mandeville, McFarland, McNeill, Norman, Rust, and Stebbins—14.

## NAYS.

Messrs. Burton, Colby, Hall, Hawthorne, Lippincott, Mahoney, May, McCoun, McGarry, Moore, Peck, Scellen, Sprague, Tuttle and Whiting—15.

Mr. Colby moved the previous question, which was not sustained.

Mr. Mandeville moved that the Senate adjourn.

Upon which the ayes and nays were demanded by Messrs. Moore, Mahoney and Hall, and the following vote was had :

## AYES.

Messrs. Crenshaw, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McGarry, McNeill, Norman, Peck, Rust and Stebbins—17.

## NAYS.

Messrs. Burton, Colby, Hall, Hawkes, Hawthorne, Lippincott, Mahoney, May, McCoun, Scellen, Sprague, Tuttle and Whiting—14.

So the Senate adjourned.

## IN SENATE.

WEDNESDAY, January 3, 1855.

Senate met pursuant to adjournment.

President in the chair.

The Journal of yesterday was read and approved.

Mr. Flint, Senator elect from the Fifth District, appeared, presented his credentials, and was qualified by the President.

Mr. Keene, Chairman of the Select Committee appointed to prepare Rules for the government of the Senate, submitted the following:

*Mr. President :*

The Committee appointed to digest suitable Rules for the government of the Senate, would respectfully report the accompanying Rules and Orders, and ask their adoption.

B. F. KEENE,  
R. T. SPRAGUE,  
E. J. MOORE.

The report was adopted, except the proposed amendment to the Fourteenth Rule, which reads as follows: "Add after the word question, 'and any Senator present, failing or refusing to vote, shall be counted in the affirmative.'"

Mr. Whiting moved to reconsider the vote by which Rule VIII. was adopted.

Agreed to.

Mr. Colby moved to amend the Eighth Rule by adding "That when a quorum is present and not found voting upon the third reading or final passage of any bill or resolution, those present and not voting shall be counted and recorded in the affirmative.

Lost.

On motion of Mr. Keene, the Rules reported by the Committee were ordered engrossed.

The resolution to proceed to the election of officers of the Senate was taken from the table and passed.

The vote being for Chaplain to the Senate :

Mr. Tuttle nominated Mr. Benton.

Mr. Burton nominated Mr. Crouch.

Mr. Kendall nominated Mr. Woodbridge.

Mr. Whiting nominated Mr. Pratt.

On the first ballot,

Those who voted for Mr. Benton were, Messrs. Day and Tuttle.—2.

Those who voted for Mr. Woodbridge were, Messrs. Heintzleman, Hook, Keene, Kendall, Mahoney, Mauderville, McGarry, Moore, Sprague and Stebbins.—10.



Those who voted for Mr. Crouch were, Messrs. Burton, Crenshaw, Hawkes, Hawthorne, McCoun, McFarland, McNeill, Peck and Stebbins.—9.

Those who voted for Mr. Pratt, were Messrs. Colby, Flint, Gove, Lippincott, May, Rust and Whiting.—7.

No one having a majority of all the votes cast, the Senate proceeded to the second ballot.

Those who voted for Mr. Woodbridge, were Messrs. Day, Heintzelman, Hook, Keene, Kendall, Mahoney, Mandeville, McGarry, Moore, Norman and Stebbins—11.

Those who voted for Mr. Pratt, were Messrs. Colby, Gove, Lippincott, May, Rust, Sprague, Tuttle and Whiting—8.

Those who voted for Mr. Crouch, were Messrs. Burton, Crenshaw, Flint, Hawkes, Hawthorne, Leake, McCoun, McFarland, McNeill, Peck and Stebbins—11.

No one receiving a majority of all the votes cast, the Senate proceeded to the third ballot.

Those who voted for Mr. Woodbridge, were Messrs. Day, Heintzelman, Hook, Keene, Kendall, Mahoney, Mandeville, McGarry, Moore, Norman and Stebbins—11.

Those who voted for Mr. Crouch, were Messrs. Burton, Crenshaw, Flint, Hawkes, Hawthorne, Leake, McCoun, McFarland, McNeill, Peck and Scellen—11.

Those who voted for Mr. Pratt, were Messrs. Colby, French, Gove, Lippincott, May, Rust, Sprague, Tuttle and Whiting—9.

No one having received a majority of all the votes cast, the Senate proceeded to the fourth ballot.

Those who voted for Mr. Woodbridge, were Messrs. Day, Heintzelman, Hook, Keene, Kendall, Mahoney, Mandeville, McGarry, Moore, Norman, Sprague, Stebbins and Tuttle—13.

Those who voted for Mr. Crouch, were Messrs. Burton, Crenshaw, Flint, Hall, Hawkes, Hawthorne, Leake, Lippincott, McCoun, McFarland, McNeill, Peck and Scellen—13.

Those who voted for Mr. Pratt, were Messrs. Colby, French, Gove, May, Rust and Whiting—6.

No one having received a majority of all the votes cast, the Senate proceeded to the fifth ballot.

Those who voted for Mr. Woodbridge, were Messrs. Day, Heintzelman, Hook, Keene, Kendall, Mahoney, Mandeville, McGarry, Moore, Norman, Peck, Sprague, Stebbins and Tuttle—14.

Those who voted for Mr. Crouch, were Messrs. Burton, Crenshaw, Flint, Hall, Hawkes, Hawthorne, Leake, Lippincott, McCoun, McFarland, McNeill and Scellen—12.

Those who voted for Mr. Pratt, were Messrs. Colby, French, Gove, May and Rust—5.

No one having received a majority of all the votes cast, the Senate proceeded to the sixth ballot.

Those who voted for Mr. Woodbridge, were Messrs. Day, French, Heintzleman, Hook, Keene, Kendall, Mahoney, Mandeville, McGarry, Moore, Norman, Peck, Rust, Stebbins and Tuttle—15.

Those who voted for Mr. Crouch, were Messrs. Burton, Crenshaw, Flint, Hall, Hawkes, Hawthorne, Leake, McCoun, McNeill and Scellen—10.

Those who voted for Mr. Pratt, were Messrs. Colby, Gove, Lippincott, May, Sprague and Whiting—6.

No one having received a majority of all the votes cast, the Senate proceeded to the seventh ballot.

Those who voted for Mr. Woodbridge, were Messrs. Day, French, Hook, Keene, Kendall, Mahoney, Mandeville, McGarry, Moore, Norman, Peck, Rust, Sprague, Stebbins and Tuttle—15.

Those who voted for Mr. Crouch, were Messrs. Burton, Crenshaw, Hall, Hawkes, Hawthorne, Leake, McCoun, McFarland, McNeill and Scellen—10.

Those who voted for Mr. Pratt, were Messrs. Colby, Flint, Gove, Lippincott, May and Whiting—6.

Mr. Heintzleman voted for Mr. Benton—1.

No one having received a majority of all the votes cast, the Senate proceeded to the eighth ballot.

Those who voted for Mr. Woodbridge, were Messrs. Day, French, Heintzleman, Hook, Keene, Kendall, Mahoney, Mandeville, McGarry, Moore, Norman, Sprague and Stebbins—13.

Those who voted for Mr. Crouch, were Messrs. Burton, Crenshaw, Flint, Hall, Hawkes, Hawthorne, Leake, McCoun, McFarland, McNeill, Peck and Scellen—12.

Those who voted for Mr. Pratt, were Messrs. Colby, Gove, Lippincott, May, Rust and Whiting—6.

Mr. Tuttle voted for Mr. Benton—1.

No one received a majority of all the votes cast.

Mr. French submitted the following:

*Resolved*, That the Secretary of State be directed to furnish a stove for the use of the Senate.

Objections being made, the resolution was laid on the table.  
On motion of Mr. Keene, the Senate adjourned.

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## IN SENATE.

THURSDAY, January 4, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of yesterday was read and approved.

Mr. French moved to suspend the balloting for Chaplain.

Lost.

The Senate then proceeded with the ninth ballot.

Those who voted for Mr. Woodbridge, were Messrs. Heintzleman, Hook, Keene, Kendall, Leake, Mahoney, Mandeville, McGarry, Moore, Norman and Stebbins—11.

Those who voted for Mr. Crouch, were Messrs. Burton, Crenshaw, Flint, Hall, Hawkes, Hawthorne, McCoun, McFarland, McNeill, Peck, Scellen and Tuttle—12.

Those who voted for Mr. Pratt, were Messrs. Colby, Day, Gove, Lippincott-May, Sprague and Whiting—7.

No one received a majority of all the votes cast.

Mr. Keene moved to suspend the balloting for Chaplain,

Upon which the ayes and noes were demanded by Messrs. Leake, Tuttle and Crenshaw, and it was lost by the following vote :

## AYES.

Messrs. Colby, Crenshaw, Day, Flint, French, Gove, Hook, Keene, Kendall, McNeill, Scellen, Sprague, Stebbins, Whiting—14.

## NAYS.

Messrs. Burton, Hall, Hawkes, Hawthorne, Heintzleman, Leake, Lippincott, Mahoney, Mandeville, May, McCoun, McFarland, McGarry, Moore, Norman, Peck, Tuttle—17.

The Senate then proceeded with the tenth ballot.

Those who voted for Mr. Woodbridge, were Messrs. Heintzleman, Hook, Keene, Kendall, Mahoney, Mandeville, McGarry, Moore, Norman and Stebbins—10.

Those who voted for Mr. Crouch, were Messrs. Burton, Crenshaw, Flint, Hall, Hawkes, Hawthorne, McCoun, Peck, Scellen and Tuttle—10.

Those who voted for Mr. Pratt, were Messrs. Colby, Day, Gore, Lippincott, May, McFarland, McNeill, Sprague and Whiting—9.

No one having received a majority of all the votes cast, the Senate proceeded with the eleventh ballot.

Those who voted for Mr. Woodbridge, were Messrs. Heintzleman, Hook, Keene, Kendall, Mahoney, Mandeville, McGarry, Moore, Norman and Stebbins—10.

Those who voted for Mr. Crouch, were Messrs. Burton, Crenshaw, Flint, Hall, Hawkes, Hawthorne, McCoun, Peck, Scellen and Tuttle—10.

Those who voted for Mr. Pratt, were Messrs. Colby, Day, French, Gore, Lippincott, May, McFarland, McNeill, Sprague and Whiting—10.

No one received a majority of all the votes cast.

Mr. French moved to lay upon the table so much of the resolution as related to balloting for Chaplain.  
Lost.

The Senate then proceeded to the twelfth ballot.

Those who voted for Mr. Woodbridge, were Messrs. Heintzleman, Hook, Keene, Leake, Mahoney, Mandeville, McGarry, Moore, Norman and Stebbins—10.

Those who voted for Mr. Crouch, were Messrs. Burton, Crenshaw, Hall, Hawkes, Hawthorne, McCoun, Peck and Tuttle—8.

Those who voted for Mr. Pratt, were Messrs. Colby, Day, Flint, French, Gore, Lippincott, McFarland, McNeill, Scellen, Sprague and Whiting—11.

No one having received a majority of all the votes cast, the Senate proceeded with the thirteenth ballot.

Those who voted for Mr. Woodbridge, were Messrs. Heintzleman, Hook,

Keene, Kendall, Leake, Mahoney, Mandeville, McGarry, Moore, Norman and Stebbins—11.

Those who voted for Mr. Crouch, were Messrs. Burton, Crenshaw, Flint, Hall, Hawkes, Hawthorne, McCoun, Peck and Tuttle—9.

Those who voted for Mr. Pratt, were Messrs. Colby, Day, French, Gove, Lippincott, May, McFarland, McNeill, Scellen, Sprague and Whiting—11.

Mr. Whiting moved that so much of the resolution as related to the election of Chaplain, be postponed for the present.

Upon which the ayes and nays were demanded by Messrs. Tuttle, Crenshaw and Hall, and it was agreed to by the following vote:

AYES.

Messrs. Burton, Colby, Crenshaw, Flint, French, Gove, Hawkes, Hawthorne, Keene, Lippincott, May, McCoun, McNeill, Moore, Peck, Scellen, Sprague, Tuttle and Whiting—19.

NAYS.

Messrs. Day, Hall, Heintzleman, Hook, Kendall, Leake, Mahoney, Mandeville, McFarland, McGarry, Norman and Stebbins—12.

The Senate then proceeded to ballot for Secretary:

Mr. Hall nominated William A. Cornwall.

Mr. Kendall nominated A. C. Bradford.

Those who voted for Mr. Cornwall, were Messrs. Burton, Colby, Day, Flint, Hall, Hawkes, Hawthorne, Lippincott, Mahoney, May, McCoun, McGarry, Moore, Scellen, Sprague, Tuttle and Whiting—17.

Those who voted for Mr. Bradford, were Messrs. Crenshaw, French, Heintzleman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McNeill, Norman, Peck and Stebbins—13.

Mr. Cornwall having received a majority of all the votes cast, was declared, by the President, duly elected Secretary of the Senate for the present session.

The Senate then proceeded to ballot for Assistant Secretary:

Mr. Whiting nominated Charles Dickinson.

Mr. Keene nominated E. C. Southworth.

Those who voted for Mr. Dickinson, were Messrs. Burton, Colby, Day, Flint, Hall, Hawkes, Hawthorne, Lippincott, Mahoney, May, McCoun, McGarry, Moore, Peck, Scellen, Sprague, Tuttle and Whiting—18.

Those who voted for Mr. Southworth, were Messrs. Crenshaw, French, Gove, Heintzleman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McNeill, Norman and Stebbins—13.



Mr. Dickinson having received a majority of all the votes cast, was declared, by the President, duly elected Assistant Secretary of the Senate for the present session.

The Senate then proceeded to ballot for Engrossing Clerk:

Mr. Crenshaw nominated J. P. Van Hagan.

Mr. Hall nominated Andrew Brady.

Mr. Tuttle nominated H. S. Lott.

Those who voted for Mr. Van Hagan, were Messrs. Burton, Crenshaw, Day, French, Gove, Heintzleman, Hook, Keene, Kendall, Leake, Mandeville, May, McFarland, McGarry, McNeill, Norman, Peck and Stebbins—18.

Those who voted for Mr. Brady, were Messrs. Colby, Flint, Hall, Hawkes, Hawthorne, Lippincott, Mahoney, McCoun, Moore, Scellen, Sprague and Whiting—12.

Mr. Tuttle voted for Mr. Lott—1.

Mr. Van Hagan, having received a majority of all the votes cast, was declared, by the President, duly elected Engrossing Clerk of the Senate for the present session.

The Senate then proceeded to ballot for Enrolling Clerk:

Mr. Mandeville nominated James H. Gardner.

Mr. Whiting nominated A. G. Kimball.

Those who voted for Mr. Gardner, were Messrs. Burton, Crenshaw, French, Gove, Heintzleman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McGarry, McNeill, Norman, Scellen and Stebbins—16.

Those who voted for Mr. Kimball, were Messrs. Colby, Day, Flint, Hall, Hawkes, Lippincott, Mahoney, May, McCoun, Moore, Peck, Sprague, Tuttle and Whiting—14.

Mr. Gardner, having received a majority of all the votes cast, was declared, by the President, duly elected Enrolling Clerk of the Senate for the present session.

The Senate then proceeded to ballot for Sergeant-at-Arms:

Mr. Keene nominated John T. Knox.

Mr. Hall nominated J. W. Hawkins.

Those who voted for Mr. Knox, were Messrs. Crenshaw, Day, French, Gove, Heintzleman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McGarry, McNeill, Norman, Peck, Stebbins and Tuttle—17.

Those who voted for Mr. Hawkins, were Messrs. Burton, Colby, Flint, Hall, Hawkes, Hawthorne, Lippincott, Mahoney, May, McCoun, Moore, Scellen, Sprague and Whiting—14.

Mr. Knox, having received a majority of all the votes cast, was declared, by the President, duly elected Sergeant-at-Arms of the Senate for the present session.

The Senate then proceeded to ballot for Door-Keeper:

Mr. Stebbins nominated Benjamin B. Hugg.

Mr. Hall nominated G. C. Newman.

Those who voted for Mr. Hugg were Messrs. Crenshaw, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McNeil, Norman, Peck and Stebbins—15.

Those who voted for Mr. Newman, were Messrs. Burton, Colby, Hall, Hawkes, Hawthorne, Lippincott, Mahoney, May, McCoun, McGarry, Moore, Scellen, Sprague, Tuttle, Whiting, and Mr. President—16.

Mr. Mandeville moved to amend the Journals, so as to read: "After the vote of the Lieut. Governor for Doorkeeper, Mr. Mandeville raised a point of order, That, in the selection of officers of the Senate, the Lieutenant Governor had no right to vote. The point of order overruled."

Agreed to.

Mr. Moore moved that the Senate adjourn.

Upon which, the ayes and nays were demanded by Messrs. Keene, Hook and Mandeville, and it was lost by the following vote:

#### AYES.

Messrs. Hawkes, Lippincott, Mahoney, McCoun, Moore, Peck, Scellen, and Whiting—8.

#### NAYS.

Messrs. Burton, Colby, Crenshaw, Day, French, Gove, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McFarland, McGarry, McNeill, Norman, Sprague, and Tuttle—20.

The Senate then proceeded to ballot for President *pro tempore*.

Mr. French nominated Mr. Keene.

Mr. Moore nominated Mr. Hall.

Those who voted for Mr. Keene, were Messrs. Crenshaw, Day, French, Gove, Heintzelman, Hook, Kendall, Leake, Mandeville, May, McFarland, McGarry, McNeill, and Norman—14.

Those who voted for Mr. Hall, were Messrs. Colby, Flint, Hawkes, Hawthorne, Lippincott, Mahoney, McCoun, Moore, Peck, Scellen, Sprague, Tuttle, and Whiting—13.

Mr. Burton voted for Mr. McGarry—1.

No one receiving a majority of all the votes cast.

Mr. Moore withdrew the name of Mr. Hall, and nominated Mr. Sprague. The Senate proceeded with the second ballot.

Those who voted for Mr. Sprague, were Messrs. Burton, Colby, Flint, Hall, Hawkes, Hawthorne, Lippincott, Mahoney, McCoun, McGarry, Moore, Peck, Scellen, Tuttle, and Whiting—15.

Those who voted for Mr. Keene, were Messrs. Crenshaw, Day, French, Gove, Heintzelman, Hook, Kendall, Leake, Mandeville, May, McFarland, McNeill, Norman, and Stebbins—14.

Mr. Sprague having received a majority of all the votes cast, was declared by the President duly elected President *pro tempore* of the Senate for the present session.

Mr. Crenshaw moved to take from the table the following:

*Resolved*, That the President of the Senate be requested to invite Rev. Mr. Pratt and Rev. Mr. Crouch, alternately, to officiate as Chaplain in the Senate during the Session.

Agreed to.

By leave of the Senate, Mr. Kendall withdrew the name of Mr. Woodbridge.

Upon the passage of the Resolution, the ayes and nays were demanded by Messrs. French, Mandeville, and Tuttle, and it was adopted by the following vote :

#### AYES.

Messrs. Burton, Colby, Crenshaw, Flint, Gove, Hall, Hawkes, Hawthorne, Lippincott, Mahoney, McCoun, McFarland, McGarry, McNeill, Moore, Peck, Scellen, Sprague, Stebbins, and Whiting—20.

#### NAYS.

Messrs. Day, French, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, Norman, and Tuttle—11.

Mr. May in the Chair.

Mr. McFarland submitted the following :

*Resolved*, That a committee of two from each House be appointed to wait on His Excellency, the Governor, and inform him that both Houses are organized and ready to receive any communication he may be pleased to make.

Adopted.

Messrs. McFarland and Mahoney were appointed a Committee on the part of the Senate.

Mr. Crenshaw submitted the following :

*Resolved*, That the Secretary of the Senate be requested to inform the Assembly that Senate has organized, by the selection of permanent officers, and is ready to proceed to legislative business.

Adopted.

On motion of Mr. Crenshaw, the Senate adjourned.

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## IN SENATE.

FRIDAY, January 5, 1855.

Senate met pursuant to adjournment.

Mr. Sprague, the President *pro tem.*, in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read.

Mr. Mandeville offered the following amendment to the Journal:

"After the vote of the Lieutenant Governor for Door-Keeper, Mr. Mandeville raised a point of order, that, in the selection of officers of the Senate, the Lieutenant Governor had no right to vote. Point of order overruled."

Adopted.

The Journal as ammended was then approved.

Mr Burton introduced the following:

*Resolved*, That the Secretary of the Senate be authorized to employ such clerks, as assistants, not to exceed three, as he may think proper.

Mr. Mahoney moved to amend the resolution by striking out the word "three," and inserting the word "four."

Accepted.

Mr. French moved to strike out the word "four," and insert the word "three."

On which motion Messrs. French, Keene and Mahoney demaded the ayes and nays with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, French, Hook, Keene, Kendall, Leake, Mandeville, McGarry, McNeill, Norman, Scellen and Stebbins—15.

## NOES.

Messrs. Flint, Gove, Hall, Hawkes, Lippincott, Mahoney, May, McCoun, McFarland, Moore, Peck, Rust, Sprague, Tuttle, Whiting—15.

So the motion was lost.

Mr. Leake moved to strike out the word "four" and insert the word "two." On which motion Messrs. Leake, French and Keene demanded the ayes and nays with the following result:

## AYES.

Messrs. Burton, Crenshaw, French, Hawthorne, Heintzelman, Hook, Keene, Leake, Mandeville, McNeill, Norman and Stebbins—12.

## NOES.

Messrs. Colby, Day, Flint, Gove, Hall, Hawkes, Kendall, Lippincott, Mahoney, May, McCoun, McFarland, McGarry, Moore, Peck, Rust, Scellen, Sprague, Tuttle and Whiting—20.

Lost.

The question then recurred on the adoption of the resolution as amended, On which Messrs. Keene, French and Mahoney demanded the ayes and nays with the following result:

## AYES.

Messrs. Burton, Crenshaw, Day, Flint, Gove, Hall, Hawkes, Kendall, Lippincott, Mahoney, May, McCoun, McFarland, Moore, Peck, Rust, Scellen, Sprague, Tuttle and Whiting—20.

## NOES.

Messrs. Colby, French, Hawthorne, Hook, Keene, Leake, Mandeville, McGarry, McNeill, Norman and Stebbins—11.

So the resolution was adopted.

Mr. Keene, introduced the following:

*Resolved*, (the Assembly concurring,) That a committee of two members on the part of the Senate, and two on the part of the Assembly, be appointed to draft and report Joint Standing Rules of the Senate and Assembly.

Adopted.

Messrs. Keene and Moore were appointed by the President *pro tem.* as such committee, on the part of the Senate.

Mr. May offered the following:



*Resolved*, That the Sergeant-at-Arms be instructed to make arrangements for furnishing each Senator with five daily California newspapers, to be selected by themselves.

Mr. Stebbins offered the following as a substitute:

*Resolved*, That the Sergeant-at-Arms be instructed to make arrangements for furnishing each Senator with five daily California newspapers, to be selected by themselves, or with weekly or other than weekly papers, not to exceed the aggregate cost of five daily papers.

Adopted.

Mr. McFarland introduced the following:

*Resolved*, That the Sergeant-at-Arms of the Senate, is hereby directed to make arrangements with the Post Master of this city, and also with any of the Express Companies, for the transmission of letters, papers and documents, to and from Senators, during the session of the Legislature; *provided*, the charges for such transmission by the Express Companies shall not exceed the rates charged by the United States Post Office.

Mr. Kendall moved to amend the resolution by striking out the words "any of the Express Companies," and inserting, in lieu thereof, the words "Wells, Fargo & Co.'s and Adams & Co.'s Express."

Mr. Kendall withdrew the amendment.

The question then recurred on the adoption of the original resolution.

Adopted.

Mr. McFarland from the Joint Committee "appointed to wait on his Excellency the Governor, and inform him that both Houses are organized and ready to receive any communication he may be pleased to make," reported that the committee had discharged that duty, and that his Excellency had stated in reply that he would communicate with the Legislature by a message in writing.

The Annual Message of the Governor, together with accompanying documents, were received, and, after being read some time,

Upon motion of Mr. Hall, the further reading was dispensed with.

## MESSAGE.

### *Fellow Citizens*

#### *Of the Senate and Assembly:*

As the chosen representatives of a free people, you have assembled to deliberate on the various subjects connected with their happiness, and the prosperity of this young State; and to devise and mature such measures as may be deemed essential to the varied wants, and promotive of the many and vast interests of a common constituency.

Since the assembling of your predecessors, another year, with all its trials and hopes, its joys and sorrows, has glided into the past, leaving its record of good and evil as the legacy of the future; and, I sincerely rejoice, that I am enabled, at its close, to congratulate you upon the continued health and prosperity of our people, and the advancement and improvement to be noted in the various departments of industry, commerce and trade.

In reviewing the occurrences of the past year, we can but be filled with emotions

of fervent gratitude to the Great Disposer of human events, to whom should be rendered tributes of grateful acknowledgment for the various and multiplied blessings he has been pleased to bestow.

Abundant harvests have crowned the exertions of the agriculturist—almost universal health has blessed our homes—and all the elements of human happiness and State greatness have been greatly augmented.

Although it is certainly true that in our past history and present condition there is much to merit sincere congratulation, we should not for a moment cease to remember that the rights, interests, honor and future welfare of an enlightened people, have, for a time at least, been committed to our guardian care, or relax, in any degree, our every energy and most determined effort to secure for them the blessings of a wise and salutary government, economically and judiciously administered.

In the discharge of the responsible and arduous duties devolved upon you, these considerations, it is hoped, will stimulate you to zealous endeavors to meet the wants and requirements of the people, and, by proper legislation, promote the advancement of the State to that high position she is destined, at an early day, to assume among the States of the Confederacy.

While to other departments is committed the charge of administering and executing the laws, yours is the higher and more responsible duty of constructing them, and thus laying, broad and deep, the foundations of the future wealth and prosperity of the State, and the consequent happiness and contentment of a free people.

You have assembled together from all parts of this great State, bearing with you the hopes and well-wishes of the entire people, who confidently believe that you will, by a proper application of the ample means within your reach, provide for the speedy extinguishment of existing liabilities, and, by wise and salutary enactments, greatly reduce the enormous expenditures, which have characterized former years.

The time has at length arrived, when economy in the administration of the State Government must be observed, and you will permit me respectfully to suggest, that it is your duty, and one which you cannot evade, to curtail unnecessary expenditures, and greatly reduce the present rates of taxation. So long as our expenditures shall exceed, by any considerable amount, the annual receipts into the treasury, no matter how vast may be our resources, or enduring the patience of the people, just so long must the permanent prosperity of the State be retarded, and her citizens oppressed with taxation.

It is, therefore, your duty to remodel, to a certain extent, the machinery of civil government, thereby retrenching superfluous expenditures, and, also, by provident enactments, secure the speedy payment of existing indebtedness, and the consequent and much needed relief of the people from the burthens they now necessarily endure.

In the performance of the important duty devolved upon me by the Constitution, of setting forth the "condition of the State," and commending to your favorable consideration measures of public necessity and utility, I shall, as briefly and succinctly as possible, commend such measures as are deemed of the highest importance to the people.

Should the policy marked out by me in former official papers, and to which your attention is earnestly invited, meet with the approbation and favorable action of the representatives of the people, as they are believed to have received the endorsement of the people themselves, the State can speedily be relieved of debt, and her citizens of onerous taxation.

That the State is possessed of means amply sufficient to cover present liabilities and still retain a large surplus in the Treasury to meet future exigencies, no one can doubt who has examined into her vast resources; and it is therefore hoped that you will, at once, mature some plan for the liquidation of the existing debt of the State, and, at an early day, bestow the attention, so much required, to the considera-

tion of proper measures of retrenchment in the expenditures of the State Government.

### STATE FINANCES, DECEMBER 20, 1854.

Amount of 3 per cent. Bonds outstanding	\$3,975 00,
Interest on same	5,849,75,
	<hr/>
	\$9,824,75
Amount of 7 per cent. Bonds 1851	294,000,00
" 7 " 1852	1,389,500,00
Outstanding Controller's Warrants,	323,966,96
State Prison Bonds	15,000,00
Interest on State Prison Bonds,	525,00
Interest on School Fund,	32,465,44
Due Counties for School purposes,	5,725,94
Due Counties for Hospitals,	18,179,03
	<hr/>
	\$2,089,187,12
Deduct amount of cash in Treasury,	180,603,79
	<hr/>
Total amount of Civil Indebtedness of the State, December 20th, 1854, exclusive of School Fund, as exhibited by the Report of the Controller of State,	\$1,908,583,33
Amount of the several sales of State Property made by the Board of State Land Commissioners—as reported by the Board on the 20th of December, 1854:	
October 20th, 1853,	\$143,700,00
December 28th, 1853,	350,475,00
March 9th, 1854,	235,300,00
August 17th, 1854,	75,724,00
October 26th, 1854,	101,332,50
	<hr/>
Total Amount of Sales	\$906,531,50
From which deduct expenses of Board up to December 1, 1854,	60,991,47
	<hr/>
Net amount of sales,	\$845,540,03
Of the net amount of the Sales made by the Commissioners, the sum of four hundred and seventy-one thousand two hundred and nine dollars and sixty-three cents, (471,209,63) has been paid into the State Treasury, and is included in the above exhibit of "State Finances," leaving still due the State, and to be hereafter applied in the redemption of her seven per cent. Bonds, the sum of -	\$373,330,40
Balance of the 25 per cent. due to the State from the City of San Francisco, on the sale of property made December 26th, 1853, under the Water Lot Act of March 26th, 1851,	\$165,000,00
Amount due from Wharves in the City of San Francisco, as reported by the Attorney-General,	20,110 70
	<hr/>
	\$559,441 10

### ● RECAPITULATION.

Amount of State indebtedness on the 20th day of December, 1854, exclusive of School Fund, as exhibited by the report of the Controller of State,	\$1,908,583 33
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From which deduct balance of proceeds of sales heretofore made, and which, by law, are set apart for the redemption of outstand- ing 7 per cent Bonds, - - - - -	559,441 10
Leaving, as the total amount of civil indebtedness <i>unprovided</i> for at this date, the sum of - - - - -	1,349,142 23
From this deduct the estimated amount of a sale of State property, to take place on the 18th of the present month, - - - - -	65,000 00
<b>Total amount of State indebtedness <i>unprovided</i> for, - - -</b>	<b>\$1,284,142 23</b>

It may, therefore, safely be assumed that on the 18th of the present month, the entire indebtedness of the State, *unprovided* for, exclusive of the School Fund (\$464,000) will not exceed the above stated balance, being the sum of - - - - - \$1,284,142 23

On the 20th of December, 1853, the amount of the State debt, civil and war, exclusive of the School Fund, was - - - - - 3,001,445 70

Total amount of State debt *unprovided*, for as above stated, - - - 1,284,142, 23

Total amount of reduction of State indebtedness since December 20th, 1853, - - - - - 1,717,303 47

being four hundred and thirty-three thousand, one hundred and sixty-one dollars and twenty-four cents (\$433,161 24) more than the present *unprovided* for civil indebtedness of the State.

It is exceedingly gratifying to be enabled, at the commencement of the present year, to assure you that of all the States of the Confederacy, but six, only, are financially, in a better condition than the State of California.

In connection with the foregoing truly encouraging exhibit of the financial condition of the State, I cannot refrain from expressing the hope that you will, during the present session, by the passage of judicious enactments, warrant the announcement that California has not only made ample provision for the speedy payment of her entire debt, but has also matured and adopted salutary reforms, so far lessening necessary and legitimate State expenditures, as to render entirely unnecessary, in the future, the contraction of indebtedness by her agents, or the levying a tax exceeding thirty cents on each one hundred dollars of valuation for the support of Government.

Prompt and judicious action on your part, being alone now wanting to secure all that is desired in the premises, I sincerely trust that you will, without delay, consummate measures so much required, and thus, fully realize the cherished expectations of our common constituents.

### INDIAN WAR DEBT.

The debt incurred by the State of California, in the defense of her citizens against Indian outrages, in the years 1850 and 1851, to the amount of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents (\$924,259 65,) being the entire amount, including interest, adjusted up to the 27th day of December, 1852, was, at the last session of Congress, assumed by the General Government. The section of law assuming this debt reads as follows:

SECTION 3. *And be it further enacted:* " That the Secretary of War be, and he is hereby, authorized and directed to examine into and ascertain the amount of expenses incurred by the State of California, in the suppression of Indian hostilities within the said State prior to the first day of January, Anno Domini 1854, and that the amount of such expenses, when so ascertained, be paid into the Treasury of said State; *provided*, that the sum so paid, shall not exceed in amount the

sum of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents (\$924,259 65), which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

The accounts and vouchers necessary to enable the proper Department of the General Government to settle the War Debt under the foregoing section of law, should all, without delay, be carefully prepared and forwarded to Washington City.

All the correspondence in relation to the subject is herewith transmitted, marked B.

By reference to the report of the Controller of State it will be seen that on the 20th of December, 1854, the War Debt, interest included, amounted to the sum of

\$1,030,530 33
Amount appropriated by Congress, 924,259 65

Excess over appropriation,	\$116,280 68
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Congress having assumed the debt and directed the Secretary of War to examine into and settle the same, will unquestionably provide for the payment of the balance. Indeed, I have ever regarded the entire War Debt as an *apparent*, rather than *real* debt of the State; the General Government being clearly liable for the payment of every cent of it.

### CUSTOM HOUSE BLOCK.

In accordance with the provisions of a law passed by the last Legislature, I selected an Appraiser on the part of the State, who, in connection with the Appraiser-General of the United States on the Pacific coast, was required to assess the cash value of the property known as the Custom House Block, situated in the city of San Francisco.

The appraisers fixed upon three hundred thousand (\$300,000) dollars as the cash value; one half of which amount, one hundred and fifty thousand (\$150,000) dollars, the Executive was authorized to receive from the Government of the United States, in payment for the same, and in the name of the State, execute a deed to the General Government for the property. On the seventh of September, 1854, the money was paid by the Hon. R. P. Hammond, agent of the General Government, in accordance with law, and the deed duly executed. Copies of the correspondence on the subject, as well as the receipt for the money given to the Governor by the Comptroller of State, are herewith transmitted (marked C) for your examination.

### SAN FRANCISCO WATER-FRONT.

In my Annual Message of the year 1853, I recommended that an examination be made, with a view to ascertain whether the Water-Front of the City of San Francisco, as defined in the Act of March 26, 1851, could be extended "without injury to the harbor;" at the same time expressing the opinion that the right of the State to dispose of this character of property—where it could be done without injury to commerce—was clear and undoubted.

In my Annual Message of the year 1854, and subsequently, in several special communications, the importance of extending the Water-Front of the City of San Francisco, at points where it could be done without injury to the harbor, was earnestly commended to the favorable consideration of your immediate predecessors.

Although fully satisfied that the rapidly increasing commerce of San Francisco, will, in a very few years, require for its accommodation, an extension of the entire Water-Front of the city, and that it can and will be consummated without the least



injury to the harbor, it would, perhaps, for the present, be advisable only to authorize it at the several points where all now concede it may be safely done.

The extension at points, as proposed, although but partial, will, it is believed, place under the control of the agents of the State, a sufficient amount of property, if judiciously disposed of, at proper intervals, to liquidate the balance of her indebtedness.

Having heretofore, in Annual and Special Messages addressed to the Legislature, fully and unreservedly discussed the measure of extension and all the questions involved, it is now deemed unnecessary to do more than commend the subject to your favorable consideration, referring you to official papers presented to your predecessors, for any additional information you may desire in the premises.

### LIQUIDATION OF THE PUBLIC DEBT.

I have, heretofore, again and again urged the Legislature to provide for the sale of a sufficient amount of the property of the State to liquidate her entire indebtedness, and you will permit me here to remark that the people confidently anticipate that this recommendation, during the present session, will be effectually sanctioned by judicious legislation. Indeed, no good reason has been, or can be assigned, why they should longer be burthened with taxation to meet accruing interest upon a debt which we have ample means, legitimately within our reach, to liquidate as rapidly as the out standing bonds of the State can be called in and cancelled.

Of the amount of seven per cent. Bonds now out-standing, one million three hundred and eighty-nine thousand five hundred dollars were issued under the Act of 1852. These Bonds will not be fully due until the first of March, 1870,—fifteen years hence.

Should we fail to make provision for their redemption, and the Bonds issued under the Act of 1852 remain unpaid until maturity, it will require ninety-seven thousand two hundred and sixty-five dollars per annum, to meet the accruing interest, amounting in the aggregate, in fifteen years, to the sum of one million four hundred and fifty-eight thousand nine hundred and seventy-five (\$1,458,975) dollars; being sixty-nine thousand four hundred and seventy-five (\$69,475) dollars more than the debt at this date, leaving the principal still unpaid.

Ninety-seven thousand two hundred and sixty-five (\$97,265) dollars is a large sum to be collected annually, and as I believe, unnecessarily, from the people; unnecessarily, because we have ample means which can and should be applied in the liquidation of the debt, instead of exhausting the resources of the people by direct taxation to meet accruing interest.

The entire real property possessed by the State is pledged by solemn acts of legislation, for the payment of the principal and interest of these and similar bonds, and should their redemption be deferred until maturity, the people will have been compelled to pay by direct taxation, an amount greater than the principal; leaving that principal to be canceled from the proceeds of the sale of the same lands which are now proposed to be sold for that purpose.

The entire amount of interest which will have accrued in after years as above shown, will be one million four hundred and fifty-eight thousand nine hundred and seventy-five (\$1,458,975) dollars.

It is believed, that by proposing to pay the principal—together with a premium of twenty per cent.—holders can be induced to surrender all the Civil Bonds of the State issued under the Funding Act of 1852.

This premium of twenty per cent., which perhaps, would be sufficient, in the aggregate, would amount to two hundred and seventy-seven thousand nine hundred (\$277,900) dollars, being considerably less than one-fifth of the amount of interest, which will have accrued on the Bonds if not redeemed until fully due; saving to

the people of the State the large sum of one million one hundred and eighty one thousand and seventy-five (\$1,181,075) dollars.

The liquidation of our entire debt, at this time, as proposed, would not only save to the State a large sum of money, and justify a reduction of taxation, at the present session, equal to at least thirty cents on each one hundred dollars of assessment, but it is confidently believed, would in other important respects, promote immensely the prosperity of California.

The announcement to the world that this, the youngest member of the Confederacy, with her vast and unequalled resources of individual and State wealth, is exempt from public debt and consequently free from onerous taxation, would, it is believed, largely increase the immigration to our shores of a hardy, industrious and enterprising population; thus opening new sources of commerce and wealth, and forming a powerful and much needed element in the destiny of prosperity and greatness which awaits this young State.

### CIVIL FUND.

In my last two Annual Messages, the attention of the Legislature was invited to the importance of an efficient effort being made to obtain from the General Government the entire amount of the "Civil Fund," the collection of which was begun in the early part of the year 1847.

This fund, amounting to more than a million of dollars, I then believed rightfully belonged to the State of California, but as the Supreme Court of the United States has since decided against the claim of the State, and ordered its payment into the National Treasury, I would now respectfully suggest the propriety of memorializing Congress to refund to the State the amount expended for Civil Government, by the people of California, between the 15th day of December 1849—the date of the assembling of the first Legislature—and the admission of the State into the Union on the 9th day of September, 1850.

Congress, it is well known, neglected to establish a territorial form of government for California, and her people, controlled by urgent necessities, were compelled to organize a government for themselves, and at a time, too, when the servicer of men, as well as materials and all the necessities of life, commanded extravagant prices. Had Congress succeeded in establishing a territorial form of government in California, all the expenses then incurred would, as a matter of course, have been paid from the national treasury, instead of forming, as it did, the foundation of an enormous debt to be borne by the people of this State. This being conceded, as it must be, I can see no good reason why Congress should refuse to refund to the State of California the amount expended for civil government, prior to her admission into the Union.

All the other new States of the Confederacy, Texas alone excepted—and even in her case the General Government, in consideration of her relinquishment of claims to public lands in New Mexico, assumed her then existing liabilities to the amount of ten millions of dollars—have cost the United States large sums of money for civil government, before their admission into the Union; and like expenditures would certainly have been required for California, if Congress had not failed to legislate for the wants of her people.

The failure of the General Government to perform a plain constitutional duty, rendered it imperatively necessary for the people of California themselves to act in the premises, and in so doing, heavy expenditures were made, the full amount of which, with interest, I maintain, should be refunded to the State.

The amount expended by the State prior to her admission into the Union, I have no doubt, can be obtained during the present session, if proper representations be made to Congress. In order to effect this important object, I would respectfully recommend that a certified statement of the expenditures be prepared and forwarded,

without delay, to our delegation in Congress, accompanied by a memorial setting forth the facts of the case, and asking the General Government to refund the same.

### AMENDMENT OF THE CONSTITUTION.

With a view to lessen the expenditures of Government, and justify a proportionate reduction in the rates of taxation, I respectfully renew, and earnestly invoke your attention to the recommendations made in my Annual Messages of the years 1853 and 1854, in relation to amendments to the Constitution of the State, which are regarded as highly necessary and important.

Some of the proposed amendments, as remarked in my last Annual Message, are deemed necessary, in order that the instrument may the more perfectly conform to the spirit of our popular form of government; others, as conducive to simplicity and economy in the administration of its affairs.

By the adoption of the reforms proposed in my Annual Messages of 1853 and 1854, it is believed that an annual saving to the State will be effected, exceeding in the aggregate the sum of three hundred and fifty thousand two hundred dollars, as follows, viz:

By biennial sessions of the Legislature, - - - - -	\$171,000 00
By reducing pay of members, to eight dollars per diem, and mileage	
one-half - - - - -	110,000 00
By limiting session to ninety days, - - - - -	43,200 00
By reducing cost of transportation of prisoners, from one dollar to	
fifty cents per mile, - - - - -	10,000 00
By reducing Governor's salary to six thousand dollars, - -	4,000 00
By reducing salary of Supreme Judges to six thousand dollars, -	12,000 00
	<hr/>
	\$350,200 00

In engrafting on the Constitution the amendments believed necessary, I would again recommend the mode prescribed in the first section of the tenth article of that instrument.

By adopting this mode of amendment, the expense of a convention, amounting to not less than three hundred and fifty thousand dollars, and the excitement incident, will be avoided, and the changes required to free the Constitution of objectionable features, secured in a shorter period of time than by the other mode, provided in the second section of the same article.

### LEGISLATIVE EXPENSES.

In connection with the foregoing suggestions in relation to economy and reform in the administration of the State Government, I feel called upon earnestly to urge upon you the importance of a general curtailment of Legislative expenditures.

The great importance of retrenchment in this particular, is apparent, and, I trust, will engage your attention early in the session, and every unnecessary expenditure dispensed with.

The attention of the last Legislature was invited to this as well as to many other of the recommendations herein presented, and the importance of a thorough system of reform, and a consequent reduction of taxation urged upon their consideration, as demanded by the wants and necessities, as well as by the almost united voice of the people.

But most of them having failed to receive favorable action, much dissatisfaction, as was anticipated, has, since the adjournment of your predecessors, been manifested by our common constituents, who now confidently look to the present Legislature for retrenchment in the expenditures of government, and that relief from excessive taxation, which their Representatives at former sessions have neglected to provide.



## FEES OF OFFICE.

During the past year this important subject has, to a great extent, occupied the attention of the people at large, and there can be no question that a very great majority ardently desire a careful and complete revision of the Act of May 1, 1851, entitled "An Act to regulate the fees of office."

The fees now authorized to be collected under the existing laws, are regarded by the disinterested and well informed as so exorbitant as to amount, in some cases, to an absolute denial of justice.

Fees of office, in my opinion, should be sufficient to fully compensate the officer, and secure the services of trustworthy and competent men; but not, as at present, so onerous, as in some cases to seriously interfere with the free and certain administration of justice, and, in all, to amount to an oppressive tax upon the people.

The laws should be so cheaply administered and executed, as to place full and ample justice within the reach of all, and insure to every citizen a fair hearing in all the judicial tribunals of the country.

The operation of the twenty-fifth section, which authorizes officers in certain cases to refuse service, unless the fees are paid in advance, is believed to be unjust and oppressive, substantially depriving the poor citizen, who may be unable to advance the amount of fees required, of that free and equal justice which should be meted out, alike to the rich and poor. Misfortune and poverty in such case may be made the excuse for a deprivation of rights, which, in the name of law and justice, all should be enabled to demand.

The thirty-third section is also objectionable, as being vague and uncertain. The law should be more definite in its provisions, and a specified sum fixed to be allowed for every service performed.

In fact, the law of 1851 should be amended in many respects, but the most important change demanded, is a reduction of the fees of office to a fair standard.

The services for which fees are allowed can now be performed at much less expense to the officer than at the date of the passage of the act, and there exists no good reason why a reduction should not be made; on the contrary, every consideration of regard for the interests and wishes of the people, demands a speedy relief from this burthen of taxation.

The subject is, therefore, without further remark, commended to your careful and favorable consideration.

In this connection, I would also respectfully recommend the repeal of so much of an Act entitled "An Act to regulate proceedings in civil cases in courts of justice in this State," as relates to attorneys' fees, leaving such fees, in all cases, matter of contract, and payable by clients.

## SWAMP AND OVERFLOWED LANDS.

By the Act of Congress, approved September 28, 1850, entitled "An Act to enable the State of Arkansas and other States to reclaim swamp lands within their limits," it is provided, "that to enable the State of Arkansas and other States to construct the necessary levees and drains, to reclaim swamp and overflowed lands therein, the whole of these swamp and overflowed lands made unfit thereby for cultivation, which shall remain unsold at the passage of this Act, shall be and the same are hereby granted to said State."

The Act makes it the duty of the Secretary of the Interior, as soon as practicable, "to make out accurate lists and plats of the lands described as swamp and overflowed," and "transmit the same to the Governors of the several States interested, and at the request of the Governors, cause patents to be issued to the States therefor, and on the patent so issued, the fee simple shall vest in the State, subject to the disposal of the Legislature thereof." And it further provides, "that in

making out lists or plats of the lands aforesaid, all the legal subdivisions, the greater part of which is wet and unfit for cultivation, shall be included in said lists and plats, but when a greater part of a sub-division is not of that character, the whole of it shall be excluded."

The fourth section of the Act extends its provisions to each of the other States of the Union containing swamp or overflowed lands.

This important subject has engaged the attention of all the other States interested. In Ohio, Indiana, Louisiana and Florida, selections have been made, based upon evidence filed in the offices of the Surveyors-General, by the State authorities. In Illinois, Missouri, Alabama, Mississippi, Michigan, Arkansas, Iowa and Wisconsin, selections have been made by the Surveyors-General, based upon the field notes and evidence procured by the State authorities. Although in several of the States above-named full returns have not been made, the whole number of acres selected and reported by the Commissioner of the General Land Office in 1853, is thirty-five million seven hundred and ninety-eight thousand two hundred and fifty-four (35,798,254) acres, as follows: Ohio, twenty-five thousand six hundred and forty (25,640) acres; Indiana, one million, two hundred and eighty-six thousand eight hundred and twenty-seven (1,286,827) acres; Illinois, one million eight hundred and thirty-three thousand four hundred and twelve (1,833,412) acres; Missouri, two million one hundred and seventy-eight thousand seven hundred and sixteen (2,178,716) acres; Alabama, two thousand five hundred and ninety-five (2,595) acres; Mississippi, one million eight hundred and twenty-four thousand eight hundred and twelve (1,824,812) acres; Louisiana, nine million seven hundred and seventy-one thousand two hundred and seventy-five (9,771,275) acres; Michigan, six million seven hundred and eighty-eight thousand one hundred and twenty-four (6,788,124) acres; Arkansas, eight million six hundred and ninety thousand and sixteen (8,690,016) acres; Iowa, seventy-one thousand nine hundred and fifty-seven (71,957) acres; Wisconsin, one million two hundred and fifty-nine thousand two hundred and sixty-nine (1,259,269) acres; Florida, two million sixty-five thousand two hundred and sixty-nine (2,065,269) acres. (*Vide* President's Message and accompanying documents, 1853 and 1854, part first, p. 109.)

The authorities of the United States, in the designation of swamp or overflowed lands, in the absence of other satisfactory evidence, will take the field notes of the surveys *alone* as the basis from which to make out lists or plats.

Selections, based upon the field notes alone, must necessarily be very imperfect, and would deprive the State of California of a large portion of the best land to which she is entitled under the act; for the reason, that the surveys may have been made at different periods, in wet and dry seasons, and the field notes would therefore only indicate what is swamp, and what lands were actually *under water* at the time of survey. The field notes made in dry seasons would of course furnish no evidence as to whether lands are, or are not, *subject* to overflow.

The instructions of the Commissioner of the General Land Office, issued on the 21st of November, 1850, direct the several Surveyors-General to regard as granted by the act above referred to, "all lands which from being swampy or subject to overflow," are unfit for cultivation, and in which are to be included also, "all lands which, through any part of the year, are subject to inundation at the *planting, growing or harvesting seasons*, so as to destroy the crop, and therefore are unfit for cultivation; taking the average seasons for a reasonable number of years as the rule of determination."

In order to secure to the State of California all the lands within her limits *subject to overflow*, and to which she is justly entitled under the act of September 28th, 1850, it will be necessary, in case of a refusal on the part of Congress to cede to her all the public lands within her limits, to authorize the agents of the State to procure and present to the proper officers of the General Government, satisfactory testimony on the subject.



Although a considerable portion of these lands are at present generally regarded as of but little value to the State, there is reason to believe that they will yet be a source of much revenue to the treasury, and their reclamation add greatly to the wealth and prosperity of California.

In this connection, it may not be improper to state that experiments, now being made in the Atlantic States, will, if successful, not only create a demand for these lands, but necessarily greatly increase their value. A great portion of the land acquired by the State under the Act of September, 1850, as is well known, is covered with a luxuriant growth of *Tule*, indigenous to the soil, and averaging at least two tons to the acre.

During the past autumn, this *Tule* has been carefully examined by experienced manufacturers, and the opinion expressed, that paper of good, if not superior quality, can be manufactured from it.

There is every reason to believe that the expense of bleaching would be comparatively small, as the stalk of the *Tule*, when ripe, and before discolored by rain, is nearly white. Being coated with a heavy and strong fibre, and internally filled with cellular tissue with numerous strong longitudinal fibres, it is believed to possess all the necessary qualities required.

Several parcels of *Tule* have been forwarded to paper manufacturers in the Atlantic States, for the purpose of testing, by actual experiment, its adaptation to the manufacture of paper, and we shall soon learn the result of these interesting and important experiments.

In order to be enabled to properly appreciate the importance of this experiment, should it prove successful, it is only necessary to state a few facts in connection with the same.

The average price, in the Atlantic States, of the material from which printing paper is now manufactured, is about six cents per pound. At two cents per pound, or one third the present market price of rags, each acre would yield at least eighty dollars (\$80 00), or twelve thousand eight hundred (\$12,800 00) dollars to each one hundred and sixty acres; and this, too, without incurring any expense except in collecting it in the fall season, after it has fully ripened.

Whatever may be the result, however, of the experiments now being made, as to first quality of printing or letter paper, no doubt is entertained by the experienced men who have examined the subject, that paper of medium quality can be manufactured from the *Tule*.

This subject is regarded as one of sufficient importance to California to induce you to adopt measures to provide for full and fair experiments, so as to ascertain, at an early day, with certainty, whether this spontaneous product of our soil can be substituted for rags in the manufacture of paper.

Should these prove successful, California will not only be possessed of an additional source of wealth, but will be enabled to supply another deficiency so seriously felt at present throughout the civilized world.

I would, therefore, recommend the adoption of proper measures to secure all the lands granted, and also judicious legislation for their disposal by agents of the State, with such limitations, restrictions and requirements as may be regarded necessary to protect the rights of all interested.

Since the donation of these lands to the State in September, 1850, hundreds of enterprising citizens have located upon them, and at considerable expense and labor, made valuable improvements.

Justice to those who have thus heretofore made locations, as well as to induce others hereafter to make similar selections and improvements, requires legislative action to secure occupants in their possession, on the most liberal terms consistent with the requirements of the act of Congress. In truth, the more liberal the terms, so as to effectually secure the object of their donation, the more certain and prompt will be their reclamation and improvement.

I have heretofore recommended the donation of swamp and overflowed lands to actual settlers, in fixed quantities, upon the same terms that the State receives them from the General Government, and would still favor that plan, if it were possible, by individual enterprise, to secure compliance with the act of Congress, and by the construction of levees and drains, effect their reclamation.

But consultation with persons now located upon the overflowed lands, as well as more careful examination and reflection, have satisfied me, that, in order to secure fully the accomplishment of the object of their donation, it will be necessary to establish a fixed price per acre, not exceeding one dollar, and authorize warrants to be issued, for fixed quantities, as was done in the case of the School Lands.

In this manner, I am induced to believe, sales to the amount of more than half a million of dollars, can be made during the next year.

The fund thus realized, the Legislature could either set apart to be applied in the reclamation of these lands, or use it for other purposes, as is now the principal derived from the sale of the School Lands; and set apart the interest, not exceeding five per cent. per annum, as a fund, to be known as the "Reclamation Fund."

This mode of disposing of these lands, it is believed, would, in a comparatively short period of time, enable the State to carry into effect some well devised and economical plan of operations, by means of drains and levees, which would effectually reclaim and secure against overflow, more than one-half, and, perhaps, as much as two-thirds of the amount, which the State will obtain under the act of September, 1850.

Early action on your part, is deemed important, not only on account of the realization of a large fund from the sale of these lands, and the opening to the enterprise and industry of our citizens, of a vast amount of the richest and most fertile soil within the State, but their reclamation and settlement would also add greatly to the substantial wealth of California, and be a continuous and ever increasing source of revenue for the support of Government.

In providing, however, for the disposition of these lands, in the manner proposed, permit me to suggest the propriety of exempting from location by warrant under the law, all such lands, whatever, within one mile of the corporate limits of either of the cities of San Francisco, Sacramento, Stockton, or Marysville.

This character of lands situated in the immediate vicinity of the cities named, is believed to be more valuable, and the entire proceeds of its sale, at a fair price, should accrue to the State, and the amount derived applied in the same manner as the funds realized from the sale of overflowed land warrants.

I would further suggest the necessity of stringent restrictions so as to guard against speculation, and secure these lands, as far as possible, to actual settlers

### PUBLIC LANDS IN CALIFORNIA.

A careful examination of the subject has fully satisfied me, as it must all who will give it consideration, that the interests of both State and Nation will be best subserved by a cession to the State of all the public lands in California.

The policy of making the public lands a source of revenue to the General Government, has, for the last quarter of a century, been opposed by many of our wisest statesmen, as contrary, not only to the true interests of the people, but of the Government itself.

The plan of disposing of them at a cost barely sufficient to defray the necessary expenses of the land office, of survey, etc., thus placing a homestead within the reach of every man at a mere nominal price, has not only been regarded with favor by the people, but has shaped and moulded the character of our laws in relation to the public domain.

But even if this were not true, it can easily be shown that, as a question of economy on the part of the General Government, and without reference to the vast

benefits which would accrue directly to California, and indirectly to the whole Union, the cession of the public lands deserves the favorable consideration of Congress.

The completion of the surveys, necessary to enable the agents of Government to separate from the public domain the lands claimed under Spanish and Mexican grants, and the lands heretofore donated to the State, by Congress, for various objects, including those subject to overflow, all of which must be separated, and by distinct lines set apart from the public domain, will, it is believed, cost the General Government a sum of money greater than can, or ever will be, realized from the sale of the remainder.

If, then, it be true, as is believed, that but little, if any revenue will be secured to the United States by the retention of these lands, there certainly exists no good reason why Congress should refuse to cede all of them to the State.

Indeed, if any considerable amount of revenue were expected or desired to be derived from the sale of these lands, to be shared in by the people of other portions of the Union, or to be expended for the general good, there might, perhaps, be some reasonable ground for a refusal to cede to the State, and California herself would not murmur at the sacrifice of her interest, should it be required to advance the prosperity of her sister States.

As no such sacrifice, however, is deemed necessary, and as it is believed no well founded objection can be urged, I doubt not the General Government can be induced to accede to our wishes in this respect, if proper representations be made through our delegation in Congress.

Not only is it quite certain that revenue will never be derived from the sale of these lands, over and above expenses incurred in survey and sale, but the right of the General Government to dispose of them without the assent of the State, is doubted by many.

Without, however, pretending in this communication to advance an unqualified claim on the part of the State to the public lands within her limits, it may not be improper, in this connection, to advert briefly to facts connected with the organization of her government and admission into the Union.

The people of California, after the acquisition of the territory from Mexico, in the absence of that protection to which they were entitled at the hands of the General Government, and which their necessities so imperiously demanded, regularly organized a State Government without the consent, and for aught they knew, in opposition to the wishes of Congress.

In the year 1849, delegates, chosen by the people, assembled in convention and framed a constitution, which on the thirteenth day of November, of the same year, was adopted by the people.

In the month of December, 1849, the Legislature, chosen on the day the Constitution was adopted, assembled in the city of San Jose, and all the enactments necessary to secure the rights of persons and property, and promote the general welfare were passed.

Up to the period of the organization of the State Government, we were a community, or rather a collection of persons, without law, and therefore, not possessed of that sovereignty which is only acquired by a State, either at the origin of the civil society of which it is composed, or when it separates itself from the community of which it previously formed a part, and on which it was dependent.

This separation, for all purposes of sovereignty, independence or jurisdiction, was fully consummated in the organization of the State Government, and a revolution accomplished, peaceful, it is true, yet as complete and entire as though it had been the result of a protracted, fierce and bloody conflict.

Thus did California—a mere appendage of the General Government pass to the proud position of an Independent State; and endowed with all the attributes of



sovereignty sought admission into the Federal Union, but was not received until the ninth day of September, A. D., 1850

California as a State *de facto*, it will scarcely be denied, was competent to exercise all the functions of an independent State, and as such, she possessed, at the time of her admission into the Union, the right of jurisdiction and eminent domain as fully, and to the same extent, as Texas, or any of the original thirteen States of this great Confederacy. And that California, as a State *de facto*, from the date of her organization as such, until her admission into the Union, did exercise all the powers of an Independent State, including jurisdiction over all the domain within her limits as prescribed in the Constitution, is matter of record, which cannot, and it is presumed, will not be denied.

This being admitted, the remaining question to be decided is, whether she has since, or in any manner, divested herself of the power she possessed over the public domain within her limits at the time of her admission.

It is true that the act of admission declares it to be upon the express condition that "she shall never interfere with the primary disposal of the public lands within her limits;" but it is contended, and I would here remark, with more than mere plausibility, that inasmuch as California has never in any express or authorized form assented to this condition, as demanded by Congress, she has not in any manner relinquished her right to the public lands, having come into the Union with a republican form of government, as required by the Constitution, and on an equal footing with the original States.

If it be true that the eminent as well as the useful domain is an attribute and muniment of sovereignty, and that the existence of a State, *de facto*, establishes its sovereignty *de jure*, it would seem to be clear that the assent of the State must be given by her Legislature, to render obligatory upon her the condition in relation to the public lands contained in the Act of Congress admitting her into the Union.

While, however, it is true that the State, through her Legislature, has never in express terms assented to a condition divesting her of substantial and important rights, Congress, on the other hand, without question, admitted her Senators and Representatives, with a full knowledge that the State had not assented to the condition; thus, to some extent, tacitly yielding the right of the General Government to insist on the acquiescence of the State.

I would remark, however, in conclusion, that the claim of the State is here presented, not so much for the purpose of asserting what may be her just rights, as of establishing the fact, that California, although possessed, as believed by many, of a valid claim to the public lands within her limits, has, heretofore, silently acquiesced in what seemed to be the policy of the General Government, rather than assert claims, however well founded, which might possibly result in an unfortunate clashing of interests between the National and State authorities.

It is presumed that these considerations, and others suggestive therefrom, will be sufficient to induce you to memorialize Congress to relinquish to California any claim the General Government may assert to title to the unsold public lands within her limits, with such restrictions as may be deemed necessary for the protection of persons now in possession of the quantity allowed by law, and to prevent, as far as possible, these lands from passing into the hands of speculators, instead of becoming the property of actual settlers, who should, at all times, be secured in their homesteads.

### PROTECTION TO ACTUAL SETTLERS.

Judicious legislation for the protection of actual settlers on the public domain, is a subject of deep interest to a large and enterprising portion of our fellow citizens. It is demanded by the wants of the people—and by the present unsettled condition of land titles is rendered actually necessary to the permanent welfare of the State.

More perfect security in the homestead is required to insure the complete development of the agricultural resources of the State, and secure the prosperity and happiness of her citizens.

To inspire confidence among the people—that their labor, capital and enterprise in making useful and necessary improvements are not expended in vain, and that their just rights will be guaranteed them—timely and judicious legislation on your part would seem to be absolutely necessary.

Most of the States of the Confederacy—it is proper in this connection to remark—have extended protection to the actual settler, as you will discern by reference to the Revised Statutes of Illinois, page 211; Hutchinson's Mississippi Code, page 856; Revised Statutes of Texas, pages 969 and 970; Clay's Digest of the Laws of Alabama, pages 320 and 321; Thompson's Digest of the Laws of Florida, page 187; Revised Statutes of Ohio, pages 606 and 696; Revised Statutes of Indiana, page 800; Pennsylvania Digest, by Dunlap, page 969; Revised Statutes of Missouri, page 444 and 445.

As I have, heretofore, in Annual and Special Messages, urged upon your predecessors the great importance of favorable action on this subject, it is now deemed unnecessary to do more than to refer you to recommendations, by me heretofore made, and commend them to your serious and early consideration.

### COMMON SCHOOL EDUCATION.

The great and growing importance of an efficient system of Common School Education, embracing in its benevolent and comprehensive design the whole people, irrespective of condition in life, I rejoice to be enabled to assure you, is properly appreciated by the citizens of this young State—as the progress made during the past year in its organization abundantly demonstrates.

The increase in the number of Schools organized and children in attendance exhibit a state of things truly gratifying to the friends of popular education, and evidences the fact that our people are fully alive to the importance of early education, and not unmindful of the many real blessings of which alone it is the source.

The education of the youth of the State is with me a subject of much solicitude, and is regarded as the only sure foundation on which is to be reared and upheld the fabric of our free institutions. The intelligence and virtue of the people, nearly allied as they are, may be justly esteemed the main stay of our republican government, and the perennial spring whence issue the streams of enduring prosperity and happiness.

If the masses, whose will alone *directs* and *controls* the action of their representatives, be not properly educated and well informed, our whole system of government—devised as it is, for the happiness of the people and the prosperity of the nation—must totter to its fall, leaving only the broken fragments of a glorious Union, as the relic of a once mighty people. Liberty and intelligence are so indissolubly united, that the want of the one is the inevitable prelude to the downfall of the other. In vain may we boast of the living principles of eternal liberty as embodied in our constitutions; in vain point to the brilliant and heroic deeds of our forefathers, or to the greatness, glory and prosperity of this Republic, if our citizens appreciate not those principles and those examples, as can only the minds of an intelligent and virtuous people.

In view, then, of the vast and manifold results dependent on a well devised and general system for the dissemination of useful and necessary knowledge, it is hoped that you will not only adopt such measures as will secure to the State all the means legitimately within her reach and applicable to the cause of education, but by judicious legislation provide for the establishment of a system, amply sufficient for the present wants and future growth of this young State.

To the beneficence of the General Government, and the wise provisions of our



State Constitution, we are much indebted for the possession of the most ample means, applicable alone to the support and maintenance of an extended system of common school education.

As a means for the dissemination of useful knowledge and the education of the entire people, it is, perhaps, needless to remark, that the system of Common Schools stands in the first rank, and is superior to any other, as yet devised, for the distribution of the bounty of the State, for which she is so fully compensated in the increased intelligence and virtue of her citizens.

California, happily, is possessed of means amply sufficient to sustain a system of popular education greatly superior, in many respects, to that enjoyed by any of her sister States—a system entirely adequate to extend the blessings and bounties of knowledge to every family within her limits.

In the wisdom of benign Providence, the air we breathe is pure, and free to all; the rain and the dew-drop fall alike on the rich and the poor: the flower of the field and the lily of the valley, with their beauty and fragrance, cheer and gladden the hearts of the high and the lowly.—even as the blessings of high Heaven are shed upon us, should we dispense the bounties committed to our care, and unseal the fountains of knowledge, that all, from the least to the greatest, may drink freely from its bright waters, and “without money and without price,” partake of the rich blessings of universal, unrestricted education.

In our highly favored land, education should be no monopoly to be enjoyed only by the favored few, while the many, the great heart and strength of the nation, are permitted to remain in unblest ignorance; but its bounties should, with an unsparring hand, be dispensed freely to all.

It is your duty, with the means at your command, to adopt and mature that system which will the more effectually carry out the beneficent designs of government and the will of the people. I, therefore, feel called upon in this connection to invite your attention to the great importance of immediate legislative action, in order to secure to the State all the lands donated for educational purposes—the rich heritage bequeathed to her children.

Under an Act of Congress, approved September 4, 1841, the State is entitled to five hundred thousand acres; and the amount to which she is entitled under the Act of March 3, 1853, as estimated in the Report of the Commissioner of the General Land Office for the year 1853, is six million seven hundred and sixty-five thousand five hundred and four (6,765,504) acres—(vide Presidential Message and Documents, 1853-4, part 1, page 108): from which is to be deducted forty-six thousand and eighty (46,080) acres, donated for a Seminary of Learning, and six thousand four hundred (6,400) acres granted for Public Buildings; leaving a balance of six million seven hundred and twelve thousand nine hundred and twenty-four (6,712,924) acres, and making a total of seven million two hundred and twelve thousand nine hundred and twenty-four (7,212,924) acres, appropriated for the benefit of Common Schools.

Of the five hundred thousand acres donated by the Act of 1841, two hundred and thirty-one thousand six hundred and eighty (231,680) acres have been sold at two dollars per acre, leaving the balance of the five hundred thousand acres, and the sixteenth and thirty-sixth sections to be selected and set apart for the benefit of the State, to be applied in the future to the maintenance of our Common Schools.

The unsold lands, if disposed of at one dollar and twenty-five cents per acre, will yield to the School Fund the sum of eight million seven hundred and twenty-six thousand five hundred and fifty-five (\$8,726,555) dollars. At seven per cent, this sum would yield an annual interest of six hundred and ten thousand eight hundred and fifty-eight dollars and eighty-five cents (\$610,858 85). To which add thirty-two thousand four hundred and eighty-six dollars and thirty-seven cents (32,486 37,) accruing on the amount derived from sales of land heretofore made, and we have a grand total of six hundred and forty-three thousand, three hundred and forty-five

dollars and twenty-two cents (\$643,345 22), to be applied annually to the education of the children of the State. Such is the princely legacy awaiting the next and succeeding generations, unsurpassed by any of the States of the Confederacy, and perhaps not equalled by the endowment of any throne, principality, or kingdom of the old world.

But unless early and decided action on your part be taken to secure the speedy selection of these lands, there is great reason to fear that the State will be deprived of the greater part of them, and the cause of popular education in California thereby greatly retarded.

The decision of the proper department at Washington, as well as the agents of the General Government in California, that, under the provisions of the Act of Congress approved March 3, 1853, School Land Warrants issued by the State cannot be located on *unsurveyed* lands, has, to a very great extent, prevented the sale of these warrants during the past year, and rendered legislative action necessary to secure to the State her rights.

Prompt and decided action on your part is imperatively demanded; otherwise the State may be for ever deprived of these lands, and the realization of the cherished expectations of the friends of popular education in California postponed for many years, if not entirely blasted.

The existing law may require modification to render action under it efficient in the protection of the rights of the State, and uniform in its operations, and if so, I have no doubt that all the changes required will be suggested by the Superintendent of Public Instruction in his Annual Report, which is commended to your especial consideration.

In 1853, the whole number of Public Schools was 51; number of Teachers, 57; number of Children reported, 10,953; number attending School, 4,193.

In 1854, number of Schools, 167, being an increase of 116; number of Teachers, 213—increase, 156; number of Children reported, 20,075—increase, 9,122; number attending School, 9,773—increase, 5,580.

### ESCHEATED ESTATES.

Although I have heretofore, and more than once, invoked the Legislature to adopt the measures necessary to secure for the State, the Leidesdorff and other estates, believed to have escheated to the State of California, amounting, in value, in the aggregate, to more than TWO AND A HALF MILLIONS OF DOLLARS—the recommendation has not as yet, in any effectual manner been sanctioned, and the agents of the State have been left without the necessary means to secure the rights and protect the interests of the people in this highly important matter.

During the recess, however, the acting Attorney-General, under my direction, has carefully examined these cases with a view to institute legal proceedings in the name of the State. This examination, I would here state, has been satisfactorily made by the efficient officer charged with its performance; and in the case of the estate of Augustus Deck, legal proceedings have been commenced in the District Court of the Seventh Judicial District.

This estate is valued at one hundred thousand dollars, and it is presumed that the Court will appoint a Receiver, to collect and take charge of the accruing rents, until the case shall have been finally decided.

During the past month, another, the estate of Jacinto El Moro, much more valuable, and believed to have escheated, has been discovered by the agents of the State, and proceedings for its recovery will soon be instituted by the Attorney-General.

A vigorous prosecution of these suits, will, I am confident, secure for California the large estates in controversy, and all the steps necessary to assert the rights of

the State in the premises would ere this have been taken by me, if the Legislature had appropriated means to employ counsel and pay costs.

Thus far, it is proper to state, I have proceeded in the matter without the appropriation of a single dollar having been made specially for that purpose.

If further proceedings are to be had, and the cases pressed to a final decision, it will be necessary for you immediately to appropriate a sufficient sum to pay Attorney's fees, costs and other expenses. A failure to appropriate an amount sufficient to defray accruing expenses, it is, perhaps, unnecessary to assure you, will compel the agents of the State, most reluctantly, it is true, to abandon the cases, and allow these and similar valuable estates, which belong to the children of California, and whose proceeds are devoted to the great cause of popular education—to be held and enjoyed by persons who are possessed of no legal or equitable title to them.

As an early and final adjudication of these cases, is, for many reasons, a matter of great importance to the State of California, it is deemed proper to direct your attention to the first part of the second clause of the second section of the third article of the Constitution of the United States, which reads as follows:

*"In all cases affecting Ambassadors, other public ministers and Consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction."*

The foregoing section, it will be seen, gives to the Supreme Court of the United States, *original jurisdiction* in these cases; the State of California being a party. To save expense, and insure a speedy and final adjudication, I think it would be well to authorize suits to be at once instituted for the recovery of the most important and valuable of these estates, in the Supreme Court of the United States.

To this course of proceeding, it is conceived, no well founded objection can be urged, and I hope that you will, without delay, pass an act designating some one of the officers of State to superintend the matter, and appropriate an amount of money sufficient to defray necessary expenses. In this manner, the rights of the State in the premises can be fully settled at an early day, and the vexations, expense and uncertainties of years of unnecessary litigation avoided.

Before, however, dismissing this exceedingly important subject, I deem it my duty to state that there is yet another mode of disposing of this question.

If unwilling to litigate these cases and have these estates declared in legal form, to have escheated to the State, you can by a carefully framed legislative enactment, direct the sale of the State's interest in them, and in the same act, or another, if deemed more proper, authorize purchasers to institute in her name, proceedings for the recovery of the property in the United States Courts, or any other of competent jurisdiction.

Careful examination of the questions involved has fully satisfied me that these vast estates rightfully belong to the State of California, and that efficient measures should, without delay, be by you adopted for their recovery.

In order to satisfy you, as well as those whom you have the honor to represent—that the value of these estates has not been over-estimated, a copy of the assessment of the Leidesdorff Estate in the City of San Francisco has been obtained from the Assessors' books, and is herewith transmitted; also a certified copy of the appraisement, from the record, and other papers, forming a complete history of this valuable estate. Exclusive of the immense estate situated in Sacramento County, the assessment—which is believed to be but little more than two-thirds of its actual value—it will be seen, amounts to the sum of one million, sixty-eight thousand, three hundred and seventy-five (\$1,068,375) dollars.

### THE MINES.

I am gratified to be enabled to inform you that the substantial wealth of the State, during the year just closed, has been vastly augmented. Mining, agri-



culture, and commerce—the great interests of California—have all been greatly extended in their operations, developing more fully than in any previous year, the varied and immense advantages and resources of the State.

Throughout the mining region, extending about six hundred miles in length—from the Four Creeks to the Oregon line—and averaging not less than forty-five miles in width, many highly important and useful improvements have been made, especially in the excavation and construction of canals and ditches of great length, designed to supply with water, at all seasons of the year, locations known as “dry diggings.”

By means of these canals and ditches, water is conveyed from the principal rivers and distributed over vast districts of mining country, enabling thousands of enterprising and industrious men diligently, and at all seasons of the year, to prosecute their labors, and to increase immensely, the amount of gold annually obtained.

These improvements, now so indispensable to the rapid and complete development of our vast mineral resources, it is believed can, and, it is hoped, will be so managed in accordance with the local mining laws by those having control, as to render them alike efficient in advancing the interests of labor and yielding just returns to capital invested.

Heretofore, during the summer months, miners have been compelled to abandon valuable claims—in fact, whole districts of country—for the reason that sufficient water could not be obtained for mining purposes. But during the past year much has been done to overcome this great obstacle, and now, by means of canals and ditches, water—the necessary, in fact indispensable element in successful mining—is conveyed in abundance to the door of the miner, and it is confidently believed that in future a large portion of our mining population will be enabled to pursue their labors profitably to themselves, and to the increased prosperity of the State, throughout all seasons of the year. This is a *desideratum* properly appreciated by those of our citizens who have been compelled in former years for want of water to forsake the richest sections of the country.

From the increased facilities afforded by improvements in machinery, much advancement has also been made in obtaining gold imbedded in quartz-rock. Large and well constructed mills have been erected in various parts of the State, and immense quantities of the precious metal extracted from the numerous veins of auriferous quartz which penetrate the hills of California.

Improvements suggested by past experience in the implements used by the river, placer, and gulch miner have greatly diminished the labor heretofore rendered necessary in separating the gold from sand and rock. Indeed, we have every reason to congratulate ourselves on the many and varied improvements in all departments of mining operations, facilitating as they do the extraction of gold, developing the inexhaustible mineral resources of the State, and opening an enlarged field to the industry and enterprise of our citizens, as well as adding vastly to the already unparalleled wealth of California.

From a portion of the mining counties I have been enabled to obtain information in relation to investments made in canals, ditches and quartz machinery, as follows:

#### OPERATIONS IN QUARTZ.

<i>Counties.</i>	<i>No. of Companies.</i>	<i>Capital.</i>	<i>Expenses.</i>	<i>Receipts.</i>
Nevada,.....	5	\$700,000	\$299,870	\$716,000,00
Shasta,.....	1	27,000	19,200	53,000,00
El Dorado,.....	5	140,000	119,892	490,000,00
Amador,.....	6	140,000	213,166	412,000,00
Total .....	18	\$1,007,000	\$652,128	\$1,671,000,00





Amount and value of Quicksilver, the product of the State of California, shipped from San Francisco during the year 1854 :

20,000 flasks, weighing 75 lbs. each, making 1,500,000 lbs., at  
fifty cents per lb., - - - - - \$750,000 00

Gold, as before stated, is to be found in more or less abundance throughout a district of country six hundred miles in length by forty-five in width. It is found in varied quantities, from the surface to the bed-rock, which is sometimes only reached at a depth of two hundred feet.

By means of these extensive and valuable improvements, water sufficient for mining purposes will be gradually distributed over the entire mining region, and millions of acres not now known certainly to possess gold, will be found to abound with the glittering ore.

Actual observation, and the experience of the past, have satisfied me that fifty years hence, when most of those now prominent on the stage of action, shall have passed away, it will be said that mining operations in California have but fairly commenced.

### AGRICULTURE.

No less encouragement is to be derived from the experience of the past year in the agricultural department. While there is necessarily less improvement to be noted in implements of husbandry, yet by the industry of our citizens, the whole face of the country has been changed and its agricultural capacities fully and most successfully tested. Immense farms have been cultivated, and have yielded their fruits and grains with a productiveness unrivaled in other parts of the world, and with labor comparatively insignificant. From the extreme North to the farthest South, broad acres, fertile valleys and plains, have been transformed by the hand of culture and enterprise into immense fields of grain to meet the wants of our people, and adding immensely to the permanent wealth of the State. Large sums of money have been expended in fencing, ditching, and improving these farms, and are unmistakeable proofs of the prosperity of our people, and, also, that they are no longer mere sojourners in the land, but have determined to make this, really and truly, the State of their adoption.

The location throughout the State of families, the rearing of homes, and the permanent improvements so generally to be observed, are gratifying evidences not only of the fertility of our soil, the healthfulness of our climate, and the beauty of our scenery, but of the advancement and prosperity of the State in all the elements of true greatness and enduring wealth.

The products of the year 1854 are generally believed to be amply sufficient for the supply of the home market. I have no data before me, upon which to base an estimate of the amount of corn and oats produced. Of wheat, not less than three millions of bushels have been raised, and more than four millions of bushels of barley. Of potatoes, more than will suffice for home consumption have been produced; such is also the case as regards vegetables of all kinds, the yield during the year having been unusually large.

In the southern counties, the grape and pear crops have been exceedingly abundant, and other fruits extensively and profitably cultivated. I am also assured that extensive preparations are there being made for the manufacture of wine of various qualities and flavor.

In fifteen counties, being less than one half of the State, the beef cattle number three hundred and twenty thousand four hundred and seven, (320,407.)

The number which arrived within the last year by the overland route, is as follows:

Through Noble's Pass, twenty-four thousand and twenty, (24,020); Beekwith's, ten thousand one hundred and fifty-one, (10,151); Gila route, nine thousand and

seventy-five, (9,075); Sonora Pass, five thousand one hundred and six, (5,106); Carson River Route, twelve thousand nine hundred and ten, (12,910); whole number, sixty-one thousand four hundred and sixty-two, (61,462.)

The above statistics may be considered as nearly correct, as they were obtained from those having charge of the ferries along the several routes named, and over which, cattle coming into the country must necessarily pass.

## COMMERCE, MANUFACTURES AND IMPROVEMENTS.

As a necessary consequence of the progress and prosperity of our people in other departments of industry, our commerce has extended to meet the wants of our citizens, and, advancing with equal strides, has kept pace with the other great industrial interests of the State.

The fleets of vessels which, during the past year, have entered our harbors from Atlantic ports—from South America, the Islands of the Pacific, and from the coasts of Asia and Europe, attest alike the prosperity of California and her great commercial importance. As a State which dates her organization scarce five years since, her foreign commerce, bearing the necessities and luxuries of every clime, and hailing from every port of the civilized world, stands unrivalled in the history of the past, and presages the proud position California is destined to occupy at an early day, as a great commercial State.

Situated as is California, on the confines of a continent, midway between the Indies, Asia, and the millions of Europe, with a population unequalled in intelligence, enterprise and progressive spirit, she cannot fail to take the lead of the nations of the old world, and bids fair soon to rival in commerce, her sister States of this mighty confederacy, as she already surpasses them in mineral wealth and fertility of soil.

Nor is she deficient in domestic or internal commerce. Our steamers, and thousands of minor water craft, which daily leave our wharves and ply between the several cities and towns of the State, have, during the year just closed, not only been largely increased in number, but for beauty and durability of construction, as well as their adaptation to the several trades in which they are employed, are unsurpassed in the older, but not more enterprising communities of the Atlantic.

Inland travel between all the principal parts of the State by means of stages, has also, during the year, been rendered expeditious and comfortable. Indeed, California to-day can boast of stage and coach conveyance equal, if not superior, to any of her sister States.

In supplying the wants of this extended and highly important commerce and land travel, our manufacturers, machinists, mechanics and builders have given evidence that California is able, within herself, to meet the requirements of her people. In fact for many of the water craft now employed upon our inland bays and rivers, we are indebted to the enterprise and skill of our own mechanics, as they have been entirely constructed within the limits of the State.

The progress to be noted in this particular department of trade is peculiarly gratifying to all friends of California, and speaks much for the enterprise of her people as well as the general prosperity of the State.

The immense improvements in our commercial metropolis and the cities of the interior, in the construction of extensive wharves, capacious warehouses, and magnificent marble and brick edifices equal in architectural beauty and durability to any which adorn the emporiums of the East, are unmistakeable evidences of the enterprise and public spirit of our citizens who have charge of mercantile and commercial affairs.

Our people, aware that increased population, improvements and extended

trade will render necessary more rapid means of transportation for passengers and freight, fully appreciate the importance of constructing Railroads connecting the various towns and cities of the interior with those of the seaboard, and have already projected several such roads, which are now under contract, and when completed will not only be of immense advantage to our citizens, and open up vast regions of the State to cultivation and commerce, but, it is hoped and believed, will also form a link in the iron chain, which is at no distant day to bind the Atlantic with the Pacific shore.

### PACIFIC RAILROAD.

The gigantic project of connecting the Pacific with the Atlantic Ocean by means of a Railroad over the continent is properly appreciated by the people of this, the youngest of the sovereign States, and it is perhaps needless to add, that their aid will be cheerfully extended to the accomplishment of the work in every form consistent with their own and the Constitution of the United States.

The wants and necessities of California eminently and peculiarly demand the speedy completion of this great work, which, when fully consummated, will not only incalculably advance all her substantial interests and add immensely to her wealth and prosperity, but will connect in interest as they are now united in feeling, the people of the extreme sections of this great confederacy.

Regarded as a national undertaking, and as the great work of the nineteenth century, it is eminently worthy of the enterprise, power and wealth of this young Republic, as a means not only of commanding the commerce of the world and the riches of the Indies—of developing the vast resources now hidden in the desert, and opening to the industry and skill of our rapidly increasing population, the interior of a continent, but as binding together with hooks of steel and iron bands, the now widely separated portions of the Union.

That it is the province of the General Government, in some form, to act upon this momentous question, is most true, but in view of its immense and universally conceded importance to the Pacific country, I cannot refrain from suggesting to you the propriety of again memorializing Congress on the subject, and giving expression to the wishes and views of the people of this State.

### OVERLAND ROUTE TO CALIFORNIA.

During the past year, the subject of the construction of a Railroad, connecting the Mississippi River with the Pacific Ocean, has been sufficiently discussed to convince all that, owing to the magnitude of the undertaking and the perplexing questions mooted, many years must elapse before this desirable and highly important project will be finally consummated.

Until this great work shall have been completed, and overland travel rendered expeditious and secure, Congress should, at least, by the establishment of a sufficient number of military posts along the entire route, afford ample protection to immigrants against the aggressions of hostile Indians.

The establishment of such posts is regarded as a matter of vital importance to the interests of California, and one to which I trust you will in some form, at an early day, invite the attention of the General Government.

The establishment and maintenance of a sufficient number of military stations, at intervals of seventy-five or one hundred miles, with fifty men at each post, it is believed, would afford the security required, and incur the expenditure of but a trifling sum, compared with the great and manifold advantages which would certainly result, not only to California, but to the whole Union.

This plan, it is believed, would render overland travel secure, and augment



immensely the population of California, by the immigration of families, at present so much required to add permanence and stability to our prosperity. Nor would the benefits derived from this plan be confined to California alone; for around each of these stations would gradually be formed a settlement of hardy and adventurous pioneers, and in a few years from the protection and facilities thus afforded, the entire country lying between the Mississippi and Sacramento Rivers would be thoroughly explored, and, I doubt not, discoveries made, not only developing the vast mineral and agricultural resources of that immense tract of land which is now an almost unbroken wilderness, but also clearly and unmistakably indicating the shortest and most practicable route along which can best be constructed the great highway of nations—the Pacific and Atlantic Railroad.

During the recess, I have given this subject careful consideration, and feel called upon to assure you that, as a means of increasing our population and adding to the true and substantial wealth of the State, as well as affording the additional mail facilities now so much required, I regard it as one of more than ordinary importance to California.

By this plan the expense of travel would be so far lessened as to accommodate the undertaking to the means of thousands who are now deterred from migrating to California, and locating their families in our midst.

At this time, are to be found in the mines, as well as in the agricultural districts, thousands of men who monthly remit a large portion of their earnings for the support of families in the Atlantic States. Should the measure suggested be adopted, and the required protection and facilities afforded, these families would soon be located among us, and, instead of being the recipients of the proceeds of labor in California, now transmitted for their support, they would become consumers of the products of our own soil, sharing, in common with us, the responsibilities and blessings of this highly favored land.

From documents in my possession, I derive the important information, that of the entire amount shipped monthly to the Atlantic States, a sum nearly equal to one fourth is remitted for the support of families residing there. This fact alone is sufficient to demonstrate the necessity of adopting measures to induce their immigration to California.

In the months of September and October, of the present year, three thousand three hundred and thirteen (3313) drafts were drawn by the Banking House of Page, Bacon & Co., payable to persons in the several States of the Union, and of this number one thousand seven hundred and sixty-two (1762), were for sums less than five hundred dollars. During the month of October, five hundred and forty-two (542) drafts were drawn by Adams & Co., in addition to the above, payable in the Atlantic States, for sums less than five hundred (500) dollars.

Although not favored with reports from the other Banking Houses, I have ascertained that their books exhibit about the same state of facts. The drafts for sums under five hundred (500) dollars, with but few exceptions, were remitted for the support of families in the Atlantic States, the heads of which are now laboring in our mines, and engaged in various avocations throughout the State. Most of these families, I am induced to believe, would gladly become residents of the Pacific country, if possessed of means sufficient to defray the expenses of the journey.

From information before me, I am satisfied that not less than ten millions of dollars are thus annually remitted to the Atlantic States, which large sum could and would be retained within our own State, by increasing the facilities and diminishing the expense of transit from the eastern to the western portions of the continent. These ten millions, if expended by consumers in our midst, for the products of our own soil, would not only increase largely the direct wealth of California, but stimulate to a very great extent the agricultural interests of

the country, and add immensely to the general prosperity as well as to the amount of taxable property within the State.

The proposed plan, it is confidently believed, will obviate the only formidable obstacle remaining, and enable thousands of useful and worthy citizens, to become permanent residents of our State, who now cannot command, without great sacrifices, the amount of means required to defray the transit expenses of a family by the Ocean Route; and who are, therefore, compelled either to forego migration to California, or leave behind them the only sure basis of State prosperity and permanent welfare—the family circle, and the blessings of home.

In connection with the foregoing recommendation relative to the establishment of military posts, it is deemed proper to state that the Overland Route via the South Pass, is regarded by all who have traversed it, as the best natural road of its length, in the world. Indeed, it is confidently believed that the expenditure, at different points, of a comparatively small sum of money, and the establishment of a few ferries over the principal streams, would render it, as a stage route, quite as easy and safe as the road between the city of Sacramento and Sonora.

From the Missouri line to California, are to be found beautiful valleys, interspersed along the entire route; many of them exceedingly rich in soil, and covered with a luxuriant growth of nutritious grasses. These valleys, as soon as protection shall have been afforded by the establishment of military posts, will all be fully explored, many of them cultivated, and others now unknown to the traveler, discovered. So, also, with regard to the route generally; new passes, lessening the distance, bettering the road, and affording increased supplies of grass, wood and water, will be discovered.

The first three hundred miles, after leaving the Missouri line, being within the newly organized Territory of Nebraska, and being daily traversed by hundreds of emigrants on their way to their new homes, will, it is presumed, require no additional military posts, and the road need no further improvements to prepare it for stage coaches.

Between Fort Kearney and the Sierra Nevada, following either of the emigrant trails, *via* Fort Hall, Salt Lake City, or what is known as the "Cut-off," from Bear River to Raft River, the road would not require the expenditure of a large sum of money, to render it eminently practicable for stage travel; and actual observation has satisfied me that new crossings and passes can be found, avoiding many of the points where it would be necessary to expend much labor and money.

In truth, the portion of the entire route most difficult to be rendered fit for stage travel, is that lying between California and the points on the Humboldt, where the different trails leave that river.

But the great matter first to be accomplished, is to induce Congress to establish military stations. The stations once established, and the route rendered entirely secure, the practicability of staging over it, will soon be settled to the entire satisfaction and great convenience of the whole country, more than realizing the expectations of the most sanguine.

It is, therefore, hoped that you will, within the first week of the session, present the question in some appropriate form through our delegation, for the consideration of Congress, and adopt such measures as may be deemed practicable and expedient on the part of the State in relation to improvements necessary to render travel over the road, with coaches, expeditious and safe.

### CORPORATIONS—MONOPOLIES.

Since the adjournment of the last Legislature, the existing laws in relation to Corporations have been carefully examined and all found more or less defective.



I therefore deem it my duty again to commend the subject to your early consideration.

Under our government, where the will of the people should prescribe the kind and character of the laws, it should be the earnest endeavor, as it is the bounden duty of their representatives, so to frame enactments as to effectually protect their interests from the encroachments and oppression of corporations organized for the accomplishment of objects beyond the means of individual enterprise. In fact, legislation should ever have in view the protection and prosperity of industry, and, while extending to capital and enterprise, liberal and proper inducements, should not neglect those checks and limitations which alone can prevent them from being made instruments of oppression and extortion.

The fact that the interests of the people of California are identified with labor, and opposed to extending the influence of government to the advancement of the few at the expense of the many, should determine legislation in favor of the protection and security of individual enterprise and industry, rather than to the maintenance of unchecked giant monopolies.

I have, as is well known, steadily opposed the policy of selling the Mineral Lands by the General Government, for the reason that I believed the inevitable result of the sale of these lands would be the gradual formation in our midst of fearful monopolies, and that these monopolies, by combination, would be able to regulate the prices of labor as circumstances or avarice might dictate; such monopolies, it is believed, would exert a blighting influence on the rapidly advancing prosperity of the State, and paralyze the energies of thousands of industrious and enterprising men, whose well directed efforts are now successfully developing the varied resources of this young State.

The golden sands of our rivers—the inexhaustible mineral wealth of the hillside and the gulch—and the unparalleled products of our fertile valleys and plains, should be free to the industry of our citizens—and labor in every department receive its just equivalent, without the interference or dictation of any power, save alone that free and honorable competition which is its life and spirit.

The evils which may result from the passage of laws, under which powerful monopolies can be organized, are considered of such magnitude as not only to justify, but to require, a careful revision of all previous legislation on the subject, with a view of supplying the restrictions and limitations necessary for the protection of public rights and interests.

Comparatively but few companies, it is proper here to remark, have, as yet, been organized under existing laws, and all the modifications necessary for the security of public interests, can now be made without material interference with the rights or interests of any portion of our citizens.

But the fact that companies have been organized and exist under Acts heretofore passed, does not interfere, in the least, with the right of the Legislature either to amend or repeal any or all of them.

The 31st section of the 4th article of the Constitution provides for the formation of corporations under general laws, and that “all general laws and special Acts passed pursuant to this section may be *altered* from time to time, or *repealed*,” and the 30th section of the Act of 1850, under the head of “general provisions,” authorizes the Legislature at any time “to repeal the Act and dissolve all corporations created under it.”

The right of the Legislature to *amend* or *repeal* the several existing laws concerning corporations must, therefore, be conceded, and that they require revision, it is believed, will be admitted by all, after careful examination.

In the formation of laws authorizing the organization of companies, the manifold interests of the public should be carefully guarded, either by fixing reasonable rates in the Act itself, or by vesting the power to prevent exorbitant

charges upon commerce and travel in the Courts, to be exercised whenever necessary.

Industry and enterprise, unaided by the special privileges enjoyed by corporations, have in a few years, made California, in many important respects, superior to most of the older States of the confederacy. To continue her prosperity, and develope with sufficient rapidity her mighty resources, it is only necessary to give the people wholesome general laws, for the protection of person and property, and to prevent monopolists from controlling the main sources of her wealth as well as the principal avenues of trade and travel.

Under enactments such as now exist upon our own statute books, monopolies of the most oppressive character, have grown up in most of the States of the Union, and become so powerful as almost to defy legislative authority, and sufficiently potent to seriously interfere with the rights and interests of the people.

Although it may be true that the people of California have, as yet, suffered comparatively but little from the exactions of monopolies, organized under State laws, still it must be apparent to all who carefully investigate public affairs, that, unless judicious modifications of existing laws on the subject, be soon made, the evil will be more seriously felt in California, than in any other State of the Confederacy.

I, therefore, commend the subject to your early and favorable consideration, and trust that you will, without delay, adopt such restrictions and modifications as will effectually preserve, in all time to come, the people of this rapidly growing State, from evils which now oppress the citizens of other sections of this Union, and which are the direct result of injudicious and unguarded legislation in relation to corporations.

### PAPER MONEY.

In connection with the subject of Corporations, it is deemed proper to invite your attention to Art. 4th, Section 35th, of the Constitution of the State of California, which reads as follows :

"The Legislature of this State shall prohibit by law, any person or persons, association, company or corporation, from exercising the privileges of banking, or creating paper to circulate as money."

This requirement of the Constitution, to prohibit by law the creation "of paper to circulate as money," should receive your early consideration, and a well-matured and stringent enactment passed with as little delay as possible.

Early action on your part is deemed necessary, for the reason, that until you shall have legislated on the subject, and affixed penalties for a violation of the law, all who are so disposed, can with impunity exercise banking privileges and "create and circulate paper money," because no provision is made in the Constitution to ensure obedience to the prohibition. That this provision of the Constitution was not intended *per se* to operate as a prohibition without proper legislative action, is evident from the fact that no penalty for a violation is imposed, and the clause is without the sanction necessary to give it the force and effect of a prohibitory law.

In this view of the subject I am sustained by the decision of the Supreme Court of the United States in the case of *Groves, et al vs Slaughter*, 15th, Peters' Report p. 450, where the construction of an Article in the Constitution of the State of Mississippi, similar to that of our own, was in review before the court. The court affirms as follows :

"Admitting the Constitution is mandatory on the Legislature, and that they have neglected their duty in not carrying it into execution, it can have no effect upon the construction of this article. Legislative provision is essential to carry

into effect the object of the prohibition. It requires the sanction of penalties to accomplish this object."

Action, then, on your your part is necessary to carry into effect this wise provision of the Constitution, and to preserve our people from the many and grievous evils which follow in the train of a paper currency, and from which they are, as yet, happily exempt.

### ASIATIC IMMIGRATION.

Among the most important of the subjects, which, it is presumed, will engage your serious and immediate consideration, is the large and increasing Asiatic immigration to California.

In the month of April, 1852, I had the honor of transmitting to the Legislature, then in session, a special message inviting their attention to this growing evil, and have since seen no reason to change the views then expressed. In fact, the numbers who have since that time arrived in the State, filling our cities and crowding the mines, have more fully satisfied me of their entire correctness.

At that date, the entire Asiatic population of the State did not, perhaps, exceed twenty thousand; while at the present time there are not less than sixty thousand scattered throughout the length and breadth of California.

They are to be found in vast numbers in the north, the south, the east and west—in the cities, herding together and forming distinct and separate communities; in the mines, gathering the rich products of our soil, they are still found a class of beings, ignorant of our language and laws, and having no community of feeling or interest with the mass of our citizens.

Regarding this question as one of more than ordinary importance to the people of California, and the power of the State to afford adequate relief having been denied by some, I have deemed it my duty, to present for your consideration, carefully prepared views in relation to her constitutional power in the premises.

In order to enable you to correctly decide whether the authority to exclude or effectually check Asiatic immigration is vested in the individual States, or in Congress, it will be necessary to carefully trace the power to its source.

Prior to the formation of the Constitution, and subsequent to the Revolution, the United Colonies having thrown off the yoke of the mother country and erected separate State governments, each individual State became invested with all the attributes of sovereignty, and among the rest, the power to decide who should be admitted to their protection, and upon what conditions. Upon the formation, however, of the Union, certain powers were relinquished to the General Government for the better protection and more permanent welfare of the entire people.

The government thus formed was one of *delegated powers*, and the more certainly to restrain its action within the legitimate sphere of duties, and the more effectually to prevent encroachment upon the rights of the Sovereign States, as well as to clearly and unmistakeably define the functions of Congress, the tenth amendment to the Constitution was added in the following words, viz :

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

A power, then, to be exercised by the General Government, must be clearly delegated by the Constitution, or be necessary and proper to carry into execution the powers so delegated.

In considering the powers of Congress, the distinction between those which are *exclusively* vested in the Federal Government, and others wherein a *concurrent* authority still remains in the States, should be carefully noted. This distinction is so clearly drawn by commentators and settled by decisions of the



Supreme Court of the United States, that to claim exclusive power for the General Government where the like is not prohibited to the States, or where the exercise of a similar power by the States would not be incompatible with the power granted, is to transcend the manifest intent of the Constitution, and to render our Government one of unlimited and arbitrary power. All the checks and limitations upon the Federal Government against the usurpation of the rights of the Sovereign States would be at an end, and the individual members of this Confederacy be prostrated powerless at the feet of the Central Government.

On this point the authorities are numerous and explicit.

"The State Governments clearly retain all those rights of sovereignty which they had before the adoption of the Constitution of the United States, and which *were not* by that Constitution *exclusively delegated* to the Union. The alienation of State powers or sovereignty would only exist in three cases : where the Constitution, in express terms, granted an *exclusive* authority to the Union ; where it granted in one instance an authority to the Union, and in another, *prohibited* the States from exercising the like authority ; and where it granted an authority to the Union, to which a similar authority in the States would be absolutely and totally contradictory and repugnant."—Kent, vol. 1, p. 427.

This rule has been recognized in many decisions of the Supreme Court of the United States, *vide* 2 Cranch 397 ; 5 Wheaton, 49 ; 2 Peters 245 ; 4 Wheaton, 193 ; 15 Peters 509.

If, then, Congress is to be regarded as having obtained the power to decide who should or should not be admitted within the limits of the individual States, it can be but by mere implication alone, and must be derived either from the grant to impose taxes or duties on imports, or the clause for the prohibition and taxation of the slave trade (Sec. 9, Art. 1), or that to "regulate commerce."

It may be well briefly to examine these several sources of power, as each has been at times quoted to sustain the view that the power claimed is vested *exclusively* in the General Government, and therefore, without the province of State legislation. The power to "lay and collect taxes, duties, imposts and excises," is specially granted to Congress in Sec. 8, of Art. 1, of the Constitution ; and by Sec. 10th of the same instrument, it is provided that "no State, without the consent of Congress, shall lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws."

From these two sections it is clearly evident that the power to lay and collect imposts on imports is *exclusively* vested in Congress, and the several States prohibited from exercising the same. If, therefore, it can be shown that the levying a tax or toll upon Asiatic passengers, or excluding them altogether, is equivalent to levying duties on imports within the meaning of the Constitution, then clearly the exercise of that power by the State would be unconstitutional and void.

Under this head, then, it is only necessary to inquire whether *passengers* can be denominated *imports*, within the intent and meaning of the Constitution. That such is not the case seems to be evident, and had not the same objection been gravely stated in argument before the Supreme Court of the United States and there adjudicated, it might be deemed unnecessary to mention it in this connection. This point, however, was directly presented before the Supreme Court, in the case of *Miln vs. City of New York*, and was there deliberately considered ; the Court deciding that "passengers clearly were not imports," (11 Peters 102.)

Chief Justice Taney, in the case of *Smith vs. Turner* (7 Howard 477) in delivering his opinion on this point, says :

"I think it may safely be affirmed that both in England and this country, the words *imports* and *importation*, in statutes, in statistical tables, in official re-



ports, and in public debates, have uniformly been applied to articles of *property* and never to *passengers*, voluntarily coming to the country in ships;" and concludes: "The argument, however, that passengers are imports is, in my judgment, most evidently without any reasonable foundation."

Another objection to the right of the State to exercise the power of excluding or taxing Asiatic passengers, has been predicated upon the ninth section of Art. 1 of the Constitution, which reads as follows:

"The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

In the construction of this section, it should be remembered, that it was inserted for the direct and avowed, if not the only purpose, of granting to Congress the right to suppress the slave trade, then recognized and openly carried on between the coasts of Africa and Brazil, and the States of this Confederacy.

Accordingly, Congress has never exercised any authority under this section, except in the law for the final suppression of the slave trade, which was passed in pursuance of the ninth section, and at the time therein prescribed. It is, moreover, evident that the ninth section was not intended to deprive the individual States of their undoubted right to exclude such persons as they might consider injurious to their own people, or to prescribe the terms of their admission, from the fact that the power granted is merely a power to *prohibit*, not one to *compel* the States to admit against their wishes. Any other view would be carrying the powers of the General Government, by construction, much farther than has ever heretofore been done, and overthrowing every principle of State sovereignty by an implication, unwarranted by the letter of the Constitution, and at variance with the spirit of our institutions.

In the case of *Norris vs. City of Boston*, Mr. Justice Levi Woodbury remarked as follows: "If the ninth section of the Constitution is a grant of the power to prevent the migration or importation of other persons than slaves, it is not an exclusive one, any more than that to regulate commerce. This clause itself recognizes an exclusive power of prohibition in the States until the year 1808. And a concurrent or subordinate power by the States, after that date, is no where expressly forbidden in the Constitution, nor is it denied by any reason or necessity for such exclusiveness." (7 Howard, 511.)

By the Supreme Court of the United States, it has been well established as a true general rule, that notwithstanding a grant to Congress, in express terms, if the States are not *directly forbidden to act*, it does not give to Congress exclusive authority over the matter, but the States may exercise a similar power, unless, from the nature of the subject, and its relation to the General Government, a prohibition is fairly or necessarily implied. (7 Howard, 533.)

The consequences to be apprehended from a prohibitory power over all aliens, being vested exclusively in Congress, are too fatal to the sovereignty of the States, and the danger to their security and very existence too great to believe for a moment, that the framers of the Constitution, jealous as they were of the rights of the States—ever intended to confer such a power by mere implication alone.

Referring to this point, Mr. Justice Woodbury observes:

"If Congress, without a co-ordinate or concurrent power in the States, can prohibit other persons, as well as slaves, from coming into the States, they can, of course allow it, and hence can permit and demand the admission of slaves, as well as any kind of free persons, convicts or paupers, into any State, and enforce the demand by all the overwhelming power of the Union, however obnoxious to the habits and wishes of the people of a particular State. In view of an inference like this, it has therefore been said (9 Wharton, 230) that, under this section, Congress cannot admit persons whom a State pleases to exclude." (7 Howard, 542.)

An opposite doctrine would be repugnant to all our ideas of State sovereignty and totally destructive of their independence; for, if it be conceded that Congress has the exclusive power and can admit, as passengers, whom it pleases, independent, and in violation of the wishes of a State, it can force upon the States a debased and ignorant population, as well as slaves or criminals, or political incendiaries of the most dangerous character.

Having, as I believe, clearly shown that the power of excluding Asiatics from our shores has not been vested exclusively in Congress either by the clause in the Constitution authorizing the levying of duties on imports, or by the 9th section of article 1, it only remains briefly to examine the source of another objection to the exercise of that power by the State, viz: that it is a regulation of commerce, and the power over that being exclusively vested in Congress, no State can lawfully exercise it.

Chief Justice Taney, in the case of *Smith vs. Turner*, (7 How. 465), observes: "The first inquiry is, whether, under the Constitution, the Federal Government has the power to compel the several States to receive, and suffer to remain in association with its citizens, every person or class of persons, whom it may be the policy or pleasure of the United States to admit. If the people of the States of this Union reserved to themselves the power of expelling from their borders any person or class of persons, whom it might deem dangerous to its peace, or likely to produce physical or moral evil among its citizens, then any treaty or law of Congress invading this right, and authorizing the introduction of any person or description of persons against the consent of the States, would be an usurpation of power which this court could neither recognize nor enforce. I had supposed this question not now open to dispute. It was distinctly decided in *Holmes vs. Jennison*, 14 Peters, 540; in *Groves vs. Slaughter*, 15 Peters, 449; and in *Prigg vs. Commonwealth of Pennsylvania*, 16 Peters, 539.

If these cases are to stand, the right of the State is undoubted. And, it is equally clear, that, if it may remove from among its citizens any person or description of persons, whom it regards as injurious to its welfare, it follows that it may meet them at the threshold and prevent them from entering; for there could be no reason of policy or humanity for compelling the States, by the power of Congress, to imbibe the poison, and then leaving them to find a remedy for it, by their own exertions and at their own expense. Certainly no such distinction can be found in the Constitution, and such a division of power would be an inconsistency, not to say an absurdity; for which I presume no one will contend.

The power of determining who is, or is not, dangerous to the interests and well being of the people of the State, has been uniformly admitted to reside in the State. I think it therefore, to be very clear, both upon principle and the authority of adjudged cases, that the several States have a right to remove from among their people, and to prevent from entering the State, any person, or class or description of persons, whom it may deem dangerous or injurious to the interests and welfare of its citizens; and that the State has the exclusive right to determine, in its sound discretion, whether the danger does or does not exist, free from the control of the General Government."

To this objection there are, however, two other good and sufficient answers:

First, that it is not a "regulation of commerce," and second, that the power to regulate commerce is not vested *exclusively* in Congress, but the States retain a *concurrent* or subordinate power over it.

This power, like that contained in Sec. 9th, of Art 1st of the Constitution, although expressly delegated to Congress, is not prohibited to the States—as is the power to levy duties on imports—and each State still retains its right to regulate its own commerce, subject always to the paramount enactments of Congress in its proper sphere.

This view also is affirmed in numerous decisions of the Supreme Court. Justice Story says, "The Constitution containing a grant of powers in many instances similar to those already existing in the State Governments, and some of these being of vital importance to state authority and state legislation, it is not to be admitted that a mere grant in affirmative terms to Congress, does *per se* transfer an exclusive sovereignty in such subjects to the latter. On the contrary, a reasonable interpretation of that instrument necessarily leads to the conclusion, that the powers so granted are never exclusive of similar powers existing in the States, unless where the Constitution has expressly in terms given an exclusive power to Congress, or the exercise of a like power is prohibited, or there is a direct repugnancy or incompatibility in the exercise of it by the States."

There being no prohibition of the exercise of this power by the States, and it not being repugnant to, or incompatible with any act of Congress, by treaty or otherwise, it necessarily follows that a State is at full liberty to act, even though it be admitted that in so doing she would, to some extent, be "regulating commerce."

The exclusion of Asiatics, it is believed, however, would not in any manner be a regulation of commerce, but merely one of police for the security of the State, and is a matter which forms a part of her domestic economy, belongs to her interior policy, and operates on matters affecting vitally the fireside, the hearth and the altar.

That such exclusion has never been considered as an encroachment upon the power to regulate commerce, is evident from the fact that several of the States—Kentucky and Mississippi for instance—have prescribed in their Constitutions that the "Legislature shall have full power to prevent slaves from being brought into the State as merchandise," and many of them, Indiana and Illinois being of the number, also contain provisions authorizing the exclusion of free persons of color from their limits, and Congress has sanctioned those Constitutions.

The Constitution of the United States equally delegates to Congress "the power to regulate commerce with foreign nations, and *between the several States* and the Indian tribes."

On this subject, Justice Woodbury has observed, "It is a mistaken view to say that the power of a State to exclude slaves or free blacks, or convicts, or paupers, or to make pecuniary terms for their admission, may be in conflict with commerce, while the same power, if applied to alien passengers coming in vessels, does conflict. And, if Mississippi and Ohio can rightly impose prohibitions, taxes, or any terms to such coming by land or water from other States, so may Massachusetts and New York if thus coming from foreign nations by water."—(7 Howard 550).

If, then, this reasoning be correct, and it is so believed, the State is at full liberty, under the Constitution, not only to prevent, in future, the landing of these Asiatics within her limits, but also to remove from among her citizens those, or any of them, who may be regarded as injurious to the welfare of her people. It is, in truth, a question of policy alone, which it is presumed the representatives of the people will decide at an early day, as sound judgment and discretion may dictate.

Having thus presented, for your consideration, the several points of the question, and my own views as to the powers of the State and the duty of her agents in the premises, it now only remains for me to remark that, should the exercise of the taxing power of the State to such an extent as would serve as an efficient check upon too numerous an immigration, and at the same time largely increase the annual revenues of the State, be, by you, regarded as the wiser policy, it will afford me much pleasure to co-operate with the representatives of the people.

#### PERMANENT LOCATION OF THE SEAT OF GOVERNMENT.

The great importance of the permanent location of the Seat of Government of the State, and the definite settlement of a question which has already too long been a



fruitful source of agitation, must be apparent to all who are familiar with the past history of California.

The preliminary question—the permanent location of the Seat Government—having been definitely settled by the highest judicial tribunal of the State, and Sacramento declared to be the legal Capital of California, no good reason, it is conceived, can be assigned for longer delaying the legislation necessary to secure the erection of suitable public buildings.

The buildings at present occupied by the Legislature and the State officers are furnished by the expenditure of a large amount of money, to meet which, the people of the city and county of Sacramento are burthened with increased taxation. I hope you will give this matter early consideration, and provide for their relief by the erection of suitable buildings for the use of the State.

The thirteenth section of an Act of Congress approved March 3d, 1853, entitled "An Act to provide for the Survey of Public Lands in California, the granting of pre-emption rights thereon, and for other purposes," donates to the State of California, "ten entire sections," or six thousand four hundred acres of land, for the erection of the public buildings of the State; "the lands so donated, to be selected by the Governor, or such person as he may designate."

By providing for the sale of these Public Building Lands, and enacting a properly constructed and judicious law, authorizing her agents to dispose of other property of the State, as recommended in another part of this communication, the treasury, it is confidently believed, will be placed in a condition to justify an appropriation during the present session sufficient to purchase a suitable site, and defray the expenses of erecting commodious buildings for the accommodation of the Legislature and State officers.

The conceded importance of this question, it is hoped and believed, will secure for it your early and favorable consideration.

#### PAH-UTAH COUNTY—CARSON VALLEY.

The Legislature of 1852, on the third of May, passed an Act to provide for the organization of a county, extending some distance along the eastern boundary of the State, to be called "Pah-utah;" the Act to take effect when the Congress of the United States shall have ceded to the State of California the territory included within the same.

Observations taken during the past summer, I am assured, render it probable, if not altogether certain, that most of the territory included within the county of Pah-utah, is within the State of California.

If ascertained to be within the State, it will, of course, be unnecessary to obtain the assent of Congress to the exercise of jurisdiction over it.

I would, however, recommend that measures be taken by you at an early day to ascertain with certainty what portion of this territory is within the limits of California, so that there may be no clashing of interests or opinions between the Federal and State authorities, and that the people who are now located within the limits of the disputed country may have the protection and security which cannot be extended to them until the question of boundary shall have been definitely settled.

#### CONCEALED WEAPONS.

In most of the other States of the Confederacy, the carrying of weapons *concealed* on the person is forbidden by law, and heavy penalties inflicted for its violation.

The Act of 1853, concerning Crimes and Punishments, makes it the duty of District Judges to furnish the Governor with a certified copy of the testimony taken in all cases of conviction for murder.

An examination of the testimony thus placed on file in this office, and statements



contained in applications presented for the pardon of criminals, has satisfied me that a rigid statute, forbidding, under heavy penalties, the carrying of weapons concealed about the person, would greatly reduce the number of tragedies, the particulars of which are now too often to be found in the columns of our public journals, and in the records of our courts.

A carefully prepared statute, which would effectually discontinue the practice of carrying *concealed* weapons in cities, towns and districts of country where no cause of danger is known to exist, I have no doubt would reduce fully one-half the number of convictions within the State for murder and manslaughter.

The subject is commended to you as one well worthy of consideration, as it is intimately connected with the reputation of the State abroad, and the moral character and security of her citizens at home.

### STATE PRISON.

During the past summer, many convicts having escaped from the State Prison, I deemed it my duty to instruct, in writing, the State Prison Inspectors, appointed under the law of 1851, to visit the Prison and institute a careful investigation, not only into the cause of the escapes which had taken place, but also in relation to the condition of the prison building, and the discipline adopted.

The Inspectors, as instructed, visited the Prison, and, altogether, were engaged about two weeks in making a thorough examination of every matter important to be understood, and in collecting facts in relation to the escapes heretofore effected by criminals. Copies of these instructions, and the Report of the Inspectors, made to me some time since, are herewith transmitted, and the facts and information contained in the latter, commended to your serious consideration. The facts set forth by the Inspectors having been obtained by careful and diligent inquiry on the premises, are no doubt entirely correct.

It must be conceded that the facts contained in the report demonstrate, conclusively, the necessity of legislative action, and it is hoped that you will be prompt in devising such means as you may deem necessary to remedy existing defects in the discipline as well as in the building, so as to render escapes from the prison in future utterly impossible.

Having in my possession no additional facts or information in relation to the Prison or its management, the whole subject is earnestly commended to your care as one deserving of early and thorough examination.

### STATE ASYLUM FOR THE INSANE.

This institution, located at Stockton, is admirably adapted to the beneficent object for which it was established, and it gives me sincere pleasure to be enabled to assure you that its management in dispensing the charity of the State, is creditable alike to California and those who have the control of its affairs.

The whole number of patients under treatment during the year ending November 20th, 1854, was two hundred and seventy-two (272); of these, two hundred and forty-seven were males, and twenty-seven females.

The number cured and discharged in the same period, one hundred and twenty-seven; of these, one hundred and thirteen were males, and fourteen females.

The number now in the Asylum, under treatment, is one hundred and twenty-six; of these, one hundred and twelve were males, and fourteen females.

Number of deaths during the year, eighteen.

The whole amount expended for the institution during the past year, including every item, will not, I am assured, exceed forty thousand (\$40,000) dollars; leaving the Asylum without one farthing of indebtedness.

The central building—for the erection of which, provision was made at the last

session—has been completed and is now occupied. It is a substantial and handsome structure, in the Gothic style, seventy feet square, and three stories in height. The old wing of the building is one hundred and thirty feet in length and fifty feet in width.

The whole edifice is two hundred feet long, and will be amply sufficient for several years, for the accommodation of the male patients. For the accommodation of the females, and in order to separate them entirely from the males, it will be necessary, in a few years, if not at present, to erect an additional wing to the building.

Around the Hospital grounds, containing one hundred and one acres, a handsome and durable picket fence has been erected during the past year, and other necessary outside improvements made, at an expense of four thousand nine hundred and fifty dollars.

### STATE MARINE HOSPITAL.

The whole number of patients in the State Marine Hospital on the 1st day of January, 1854, was	250
Whole number admitted between the 1st of January and the 14th of December, 1854,	2,612
Whole number cured and discharged between the first of January and 14th of December, 1854,	2,352
Whole number deceased between the 1st of January and the 14th of December, 1854,	239
Whole number under treatment on the 14th of December, 1854,	251

Of the 2612 admitted during the year, 1048 were State, and 1564 City patients.

I feel called upon, in connection with the foregoing statement, to remark, that if this institution is to be sustained, other provision must be made for its support. During the past year, although the institution has been well managed, it was necessary to draw upon the general fund for a large sum of money to meet expenses incurred, over and above the amount set apart for its support in the act providing for its organization.

The expenditures of this establishment should, undoubtedly, be so far curtailed as to restrict them within the amount of revenue set apart for the support of the institution, and render unnecessary, hereafter, appropriations from the general fund.

### CENSUS OF THE YEAR 1855.

The 20th Section of the 4th Article of the Constitution of California, makes it the duty of the Legislature to provide for an enumeration of the inhabitants of the State in the year 1855.

In connection with this subject, I would respectfully suggest that the persons selected to perform the duty required by the Constitution, be authorized and directed to obtain accurate statistical information in relation to the Mining, Agricultural, Commercial, Manufacturing and Mechanical interests of California.

Information thus obtained by agents of the State, and published by authority as correct, would be so regarded by the people of the other States and Europe; and thousands, who now disbelieve statements made relative to our vast mineral resources, our agricultural superiority, and unequalled commercial advantages, would be induced, with their families, to make California their place of permanent abode.

### ANNUAL REPORTS.

Copies of the Annual Reports of the Controller of State, State Treasurer, Surveyor General, and Quartermaster General, are herewith transmitted.

These reports contain statistical and other important information, which, doubt-

less will aid you materially in your legislative labors as they will also give to the whole people accurate and reliable information in relation to the financial and general affairs of the State. The facts and suggestions contained in these able and ably prepared papers are all commendable to your careful consideration.

In compliance with constitutional requirements, I present to you a statement exhibiting the number and names of persons granted and removed during the past year.

Also, by request, the Circular, Memorial and Resolutions of the "Commercial Convention of the Southern and Western States, Held at Charleston, S. C." and signed by William G. De Saussure, Secretary, accompanied by a Bill to create and incorporate the Southern Pacific Railroad Company.

Also, a Bill for Arkansas, Louisiana, Texas and California, recognizing the Southern Pacific Railroad Company, &c.

Also, Private Island Resolutions concerning the Nimitz Bill, &c.

Also, a statement of Supreme Court of Rhode Island reversing the Judgment against Thomas W. Lee.

Also, a List of the appointments made during the year to supply vacancies in office, which have occurred.

The various measures transmitted to your favorable consideration in this communication, are regarded by me as exceedingly proper and very important and necessary to the financial prosperity of the State and the welfare of her people.

The power to carry out the full effect of the various measures recommended—to show only compliance of by our various constituents—to reduce the expense and fear of office to a bare minimum—and to lessen State expenditures and State taxation—the Constitution has wisely vested in the Legislature—not in the Executive.

The Executive it is truly due and he is recommended to your favorable consideration measures for the prompt removal of all these objects, and if passed by you be firm consistent with the Constitution, with undelaying and hearty approval.

In these recommending measures, which, if adopted, must soon and very place California, however, is a better position than that of our sister States, but your primary duty is to the well-being of the whole people. I have as I believe, performed all in the power required, authorized or warranted by the Constitution and it now only remains for me to assure you of my entire willingness to co-operate with you in everything to your fullest extent the unqualified and often expressed wishes of the people, in relation to the immediate liquidation of the debt of the State, the enforcement of economical economy in the administration of her affairs as well as such other measures as may be regarded necessary for the promotion, advancement and success of the elements of State greatness and prosperity with which California, in the dispensation of a wise Providence, has been so abundantly endowed.

And now, before the golden and inspiring sun of that bright California, whose emanating sun has shined from our borders, since the domination of position and the promise of war, and who has so signally blessed our people with abundant harvests and never failing sources of wealth, happiness and prosperity, let us, with grateful hearts and patriotic ardor meet upon the discharge of the highly important duties assigned us by an intelligent and reflecting constituency.

JOHN BIGLER

## APPENDIX TO GOVERNOR'S MESSAGE.

*Vacancies filled by the Governor.*

- March 25, 1853.—George Simpton as Port Warden, San Francisco.  
Thomas W. Brennan as Port Warden, San Francisco.
- March 31, 1854.—John Nye as Port Warden, San Francisco, *vice* N. Noyes.
- October 13, 1853.—George O'Doherty, Commissioner to dispose of Water Lots in San Francisco, *vice* John A. McGlynn.
- January 3, 1854.—J. F. Williams, Judge of Contra Costa county, *vice* F. M. Warmcastle, resigned.
- March 7, 1854.—J. C. Hue, Judge of Colusi county, *vice* John F. Willis.
- August 19, 1854.—Amos Noyes as Port Warden, San Francisco, *vice* William G. Ross.
- September 13, 1854.—John Deming, Pilot of Benicia.
- June 7, 1854.—William M. Stewart as acting Attorney during absence of Gen. J. R. McConnell.
- June 27, 1854.—William M. Lent, as Pilot Commissioner, *vice* George Simpton, resigned.
- May 18, 1854.—William H. Hoburg, as Gauger of Liquors, San Francisco.
- May 25, 1854.—Edward Norton, Judge of the Twelfth Judicial District.
- October 9, 1854.—William M. Neil as Pilot of Benicia, *vice* H. Harrison failing to qualify.  
Henry Van Ness as Pilot of Benicia, *vice* Jeremiah Urie failing to qualify.  
R. N. Snowden, State Prison Inspector.
- October 30, 1854.—W. W. Dobbin, County Clerk of Yuba county, *vice* E. Dorland, deceased.
- November 31, 1854.—C. H. Harrison, Pilot of Benicia, *vice* David Calloway failing to qualify.
- November 17, 1854.—E. Hamilton, Coroner of Yuba county.  
R. L. Westbrook, Judge of Siskiyou county.



November 24, 1854.—Charles H. Bryan, Judge of Supreme Court, *vice* Alexander Wells, deceased.

October 18, 1853.—Edward McGowan, Commissioner of Emigrants, *vice* Moses E. Flanagan, resigned.

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#### PARDONS DURING THE YEAR 1854.

January 26.—Timothy Donovan, convicted in Court of Sessions of El Dorado county of perjury, December Term, 1853.

January 29.—George C. Bradley, convicted at October Term, Court of Sessions of Nevada county, of larceny, and sentenced to State Prison for three years.

February 1.—James Devlin, sentenced to imprisonment in State Prison for six months, for petty larceny in San Francisco.

February 6.—James Drum, convicted in San Francisco of intemperance and assault and battery, and sentenced, in November, 1853, to six months in County Jail.

February 7.—Emeline Berry, sentenced to imprisonment for six months, in San Francisco, for disorderly conduct and attempt at arson.

February 8.—Nathan Deming, J. Deming, George Deming, and Charles Davis. Term expires on the 17th February, 1854.

February 8.—Joseph Fisher. Term expired.

March 18.—Peter Nicholas, convicted of murder in Tuolumne county, February Term, 1854, and sentenced to death. Punishment commuted to seven years in State Prison.

March 30.—Thomas H. Baxter, convicted in Alameda county of grand larceny, at February Term, 1851, and sentenced to one year in State Prison.

March 30.—Respited. Thos. H. Cowan, convicted of murder in Mariposa county, March Term, 1854, and sentenced to death. Respited until May 20, 1854.

April 14.—Thomas Maneilla, convicted of murder in Mariposa county, March Term, 1854, and sentenced to death. Punishment commuted to five years in State Prison.

- April 11.—John Defries, convicted in Mariposa county, February Term, Court of Sessions, for resisting officer, and fined three hundred dollars, and imprisonment in County Jail for twelve months.
- April 18.—George M. Farrow, convicted in Yuba county, Court of Sessions, February Term, 1853, of grand larceny, and sentenced to three years imprisonment in State Prison.
- May 17.—J. C. Swenbeth, convicted of grand larceny in Court of Sessions of San Joaquin county, and sentenced to three years imprisonment.
- May 15.—Joseph Bryon, convicted in Recorder's Court of San Francisco of petit larceny, and sentenced to City Prison for thirty days.
- June 10.—Mary Ann Wilson, term expiring on the 16th of June.
- June 16.—James McNulty, convicted in the Court of Sessions of Sacramento county, November 1, 1853, of assault with intent, &c., and sentenced to State Prison for two years.
- June 23.—Horace Brewster, convicted in District Court of Placer county of manslaughter, May 26, 1854, and sentenced to State Prison for one year.
- July 21.—J. C. Callut, convicted in Court of Sessions of Calaveras county, June 6, 1854, of forgery, and sentenced to State Prison for one year.
- July 23.—Michael Brennagan, convicted in Court of Sessions of San Francisco county of assault and battery, and sentenced to County Jail for one year.
- August 7.—William Tennant, convicted in Recorder's Court of San Francisco, and sentenced to six months imprisonment from March 15, 1854, for assault and battery.
- August 15.—Edward Campbell, convicted in Court of Sessions of San Joaquin county, June Term, 1854, of "assault with intent," and sentenced to State Prison for one year.
- September 13.—William S. Norton, convicted in the District Court of Placer county, September Term, 1854, of manslaughter, and sentenced to six months in State Prison.
- November 6.—Jno. H. Thompson, convicted in Calaveras county, District Court, February Term, 1854, of murder, and sentenced to death. Punishment commuted to seven years in State Prison.
- November 21.—Henry Buckland, convicted in Court of Sessions of San Francisco county, May, 1854, of obtaining money under false pretences, and sentenced to County Jail for one year, and fined one thousand dollars.
- November 22.—John Nugent, convicted in San Francisco for assault with deadly weapons, November, 1853, and sentenced to punishment in State Prison for one year.

November 22.—Patrick O'Rorke, convicted in San Francisco of assault and battery, September 20, 1854, and sentenced to County Jail for six months.

November 30.—John Gallagher, convicted in Siskiyou Court of Sessions, 1854, and sentenced to State Prison.

December 2.—Thomas Crooks, convicted in Tuolumne county, District Court, and sentenced to death. Commuted to ten years in State Prison.

December 11.—James Stewart, convicted at April Term, District Court of Trinity county, 1854, of murder, and sentenced to death. Commuted to ten years in State Prison.

December 12.—Thomas Ashton, convicted in El Dorado Court of Sessions, December 31, 1853, of assault with intent to murder, and sentenced to one year in State Prison.

## B.

### CORRESPONDENCE IN REFERENCE TO THE WAR DEBT.

BENICIA, June 30th, 1853.

Hon. JOHN BIGLER :

SIR :—For the past year, when leisure from official business has afforded me an opportunity, I have been engaged in collecting, systematizing and arranging, as far as possible, a full and correct history of the several military expeditions which have, from time to time, been called out to defend our frontier and protect the incoming immigration against the several tribes of hostile Indians, whose acts of violence have made it necessary for the State to interpose her aid, for defense and protection, in the years 1850, 1851 and 1852. The statement made will embrace, with regard to each expedition, separately :

*First.* The extent and character of the depredations committed : loss of life and property in each locality to which expeditions were directed for punishment, peace or protection, with all the evidence of the same made known, or published, at the time they occurred : proceedings of public meetings, called by the citizens in such localities, relative to the adoption of defensive measures, or for the purpose of invoking aid from the State ; communications from the same, and, also, from individuals, copies of petitions, etc., to the Executive of the State, with a view to induce him to interpose his authority, and give them the aid demanded.

*Second.* The action taken by the several Governors of the State, and their repeated demands upon the authorities of the United States to furnish men and means for this purpose ; and facts necessary show (as well as by their own admis-

sions) their inability to respond to the call of the Executive of the State, for want of adequate force, supplies and munitions, etc., necessary, successfully, to prosecute the several campaigns.

*Third.* The order and instructions of the several Governors to the ministerial and military officers of the State, directing the expeditions, operations, etc.

*Fourth.* The history of the same as embraced in the official correspondence, and obtained from those connected therewith; time of continuance, operations and results; costs of same as exhibited by pay-masters' rolls, including—

A. Compensation paid officers and privates.

B. For supplies, munitions and subsistence.

C. Horses and transportation.

*Fifth.* Provisions made by the State for the liquidation of the claim arising from said expedition, manner of settlement, etc., reference being had to the action of the Legislature by committees, and the several enactments prescribing the mode of settlement and payment, as well as the duties of the board of examiners appointed for this purpose, and the course pursued by them in the performance of such duty.

The statement referred to in the foregoing, has been prepared by myself, with the belief that it will be necessary to substantiate the claim when presented to the General Government, by setting forth, clearly, truthfully and in detail, the facts connected with and from which originated the necessity of these expeditions, in order to secure the favorable consideration of Congress. By embodying these with the precedents cited in your special message in 1852, on this subject, in which it was shown that Congress had repeatedly made appropriations in like cases, it is reasonable to anticipate its favorable action in this instance, and that it will be assumed by the General Government and the State relieved from the burden of its payment.

I have already incurred some expense in obtaining and preparing such papers and proofs as have been deemed necessary for this object, and more will still be required to perfect, in a connected form, such an exhibit as will place the claim on a substantial basis, and secure for it just consideration. Should there be much longer delay in the preparation of the foregoing, it would be not only difficult but impossible to procure many statements and affidavits from persons whose testimony is important, so changeable is our population.

In many instances it has already been found difficult to find the parties whose statements are requisite to perfect certain proofs in a tangible manner. Designing still continue to obtain all information necessary to vindicate the claim, I will be able, I trust, if the State should offer sufficient encouragement, to present all the requisite information to our Congressional Delegation, as will enable them to secure its recognition and payment, and will be prepared to proceed with the same to Washington, at the end of my official term, if authorized to do so.

Respectfully, your obedient servant,

WINSLOW S. PIERCE.

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EXECUTIVE DEPARTMENT,  
Benicia, California; June 30, 1853. }

Hon. WINSLOW S. PIERCE:

Sir:—You are hereby authorized and appointed an agent in behalf of the State of California, to procure, systematize and arrange, as far as practicable, all the



original papers and documents, connected with the several Indian expeditions called out in this State to defend our frontier and protect immigrants near our borders, against the attacks of the several hostile tribes which, from time to time, have committed depredations upon the lives and property of our countrymen in the year 1850, 1851 and 1852.

You will, as nearly as possible, form a statement embracing,

*First.* The extent and character of the depredations committed upon persons or property.

*Second.* The evidences and proofs of the same, published at the time; also, the action taken by citizens of the State, either by public meetings, or by petitions, or communications to the Governor from the localities where these depredations were committed, with a view to induce him to afford them the protection desired.

*Third.* The demand of the several Governors of the State upon the authorities of the United States, to furnish men and means for this purpose, and the troops their inability to respond to the call for want of adequate force, supplies and munitions necessary, successfully, to prosecute the several campaigns.

*Fourth.* The orders and instructions of the several Governors to the ministerial and military officers of the State, directing the expedition, operations, etc.

*Fifth.* The history of those expeditions as embodied in the official correspondence connected therewith, time of continuance, operations and results.

*Sixth.* Cost of same as shown by the pay and muster rolls, including,

Compensation paid to officers.

“ “ men.

For supplies, munitions and subsistence.

Horses and transportation

You are also, in view of the continued delay on the part of the Government of the United States, to pay the expenses incurred on this account, authorized to proceed to the City of Washington, as soon as practicable after the first day of January next, with the papers and documents referred to, and there render such aid as you are able, to our Congressional Delegation, in endeavoring to obtain a just recognition and payment of said expenses, for which the State is now liable and unable at present to pay, and which, in my judgment, should be assumed and liquidated by the General Government, a course on her part already recognized by several precedents in Congressional legislation.

You will also report to this Department as frequently as may be necessary to advise the Executive of the progress made in this relation.

JOHN BIGLER.

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SAN FRANCISCO, January 25, 1854.

Hon. JOHN BIGLER :

Sir:—As yet no action has been had by the Legislature relative to sending an agent to Washington with the necessary proof to sustain the “War Claim.” Our members of Congress, whom I consulted on the subject before they left for Washington, urged the necessity of this as well as of its being early before them, with a view, if possible, insuring its passage through Congress at the present session. If you will, as suggested in our conversation, advance from your contingent fund, a sufficient amount to pay the ordinary expenses of the trip, I will leave for Washington on the first of February, for the purpose named, with the hope and expectation that the Legislature will soon petition Congress for the payment of the claim, legalize by enactment our proceedings thus far, and make such an appropriation as

will remunerate me for time and services in this matter, or pay me a per cent. on the amount obtained, if successful.

Should the subject be longer deferred, waiting legislative action. the session at Washington would, before I could reach there, be so far spent as to prevent the possibility of its being placed before the proper committee, or being reached in the order of business the present Congress.

The next, being the short session, would be still more unfavorable to its consideration and success; besides, a tardiness or inactivity manifested on the part of the State in its proper presentation, would lose for it the confidence of those who might (should it be presented early and with promptness pressed confidently with energy) be disposed to entertain it favorably. These considerations induce me to desire to proceed at once, or I should abandon the hope of success. Longer delay would be in all probability, fatal to its success for several years, if not endanger it at any future time. I have conversed with many of the members of the Legislature, who advise me to go at once, and assure me that proper legislation shall be had on the subject, by petitioning for its payment, giving authority for a transmission of the vouchers to me in case an appropriation should be made by Congress, that my services should be paid, or a per cent. be allowed me in case of success; with this I am willing to enter upon it at once, with the amount of expenses of the trip paid, as already proposed by you.

Respectfully, your obedient servant,

WINSLOW S. PIERCE.

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EXECUTIVE DEPARTMENT, }  
Benicia, January 30, 1854. }

Hon. W. S. PIERCE:

Dear Sir:—After arriving at Washington City, I desire you to confer freely with our Delegation in Congress, and, if desired by them, to impart correct information in relation to our War Debt, to as many members as possible. Give the Delegation the free use of the papers in your possession, but be careful to preserve them so that they can be returned to this Department. Assure them that calls upon the Department here will receive prompt attention, and that the war accounts, properly authenticated, will be forwarded, when required, to them, or any department which Congress may designate. Advise me by each steamer as to the condition of our interest, and make such suggestions as you may deem proper.

I have the honor to be,

Your obedient servant,

JOHN BIGLER.

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NEW YORK CITY, February 27, 1854.

Hon. JOHN BIGLER:

Sir:—I arrived in this city on the evening of the 23rd. Saw Dr. Gwin, who was staying at the Metropolitan, who urges that I go forward in the matter entrusted to me, as soon as practicable; have also received a telegraphic dispatch from

Gen. McDougall, who also desires me to come on immediately, as he wishes to get the matter up as soon as possible. Have seen several of the officers of the United States army, who were in California during the prevalence of our Indian wars, some of whom were at the scene of disturbances in Mariposa and El Dorado, and who will aid, if need be, in giving their testimony with regard to the necessity and extent of these expeditions. This will be of essential aid, and, coupled with the admission made in the letter of General Hitchcock to you, will probably deprive those who may oppose the claim, of the chief argument against it. Col. J. Neely Johnson, also, who was in command of the Mariposa expedition, came on with me and will be in Washington this winter. He will, also, be of service to me, if it becomes necessary, to show that the troops in the Mariposa expedition were retained in service by the joint advice of United States officers and the Indian Commissioners. As soon as I learn that our Legislature has acted in the premises, I will report to you *officially*, as progress is made.

Yours respectfully,

WINSLOW S. PIERCE.

WASHINGTON CITY, March 29, 1854.

TO GOVERNOR BIGLER :

Dear Sir :—I have been, for some weeks past, engaged in pressing the recognition and payment of our War Claim by Congress. I have seen many of the members on the subject ; they have generally conceived a prejudice against the claim. This prejudice has been, to a very great degree, the result of our own misrepresentation in the State of California. The press opposed to the administration of the State, particularly, has done much to nurture the want of confidence in our policy and measures. This has to be met by facts presented, which, thus far, have proved successful to change their pre-concieved views. I have turned my attention principally to the House of Representatives first, believing that body would be the one the least liable, at the outset, to entertain the claim feverably. I have submitted the matter to the Committee on Military Affairs in that body : a report has been written by McDougall, which, I think, the Committee will send to the House with a bill.

If the report is adopted, I will transmit it the next mail, with, also, a statement of the progress of the matter. I shall certainly do *something* for the claim, and know that the efforts now making, will, sooner or later, result in its being assumed by the General Government.

It will, however, be no easy task, but if sustained properly and justly by the Legislature, I will succeed. I will, by next mail, be able probably to increase your confidence in the same. I have already secured many fast and strong friends to the measure, by placing before them the facts. I hope the State will act fairly and justly in the matter. Although, if the probability is, when this reaches you, that another mail can arrive before the adjournment of the Legislature, it may be advisable for the postponment of the action of that body until more definite information can be transmitted.

I hope by that time to be able to convince all there that something has been done to good purpose. My friends can all see this. Many prominent members sustain the claim, among whom I will mention Col. Bissell and Gen. Smith.

Please inform me as soon as any action has been had. If we succeed this winter

Jan. 5.]

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it will be to let the Secretary of War pay the just and equitable claims, and I have pledged to show them that we have good vouchers for all. The Legislature should give every facility, &c.

With respect, I am your obedient servant,

WINSLOW S. PIERCE.

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SACRAMENTO CITY, March 30, 1854.

HON. W. S. PIERCE :

Dear Sir :—The boat leaves in an hour, and I have not time to write you fully. The War Debt question has not engaged the attention of the Legislature, and I now fear they will delay action until it is too late to effect much at Washington. But I hope you will continue to urge the matter, and give explanations which will enable the delegation to secure the assumption of the Debt at the next session, if we should fail at the present.

I think it would be well to have a provision assuming the Debt incorporated in the General Appropriation Bill. If you can induce the Military Committee and the Committee of Ways and Means to meet together, and explain the matter to them, I think you can secure the assumption of the Debt in the Appropriation Bill. If you can, obtain the consent of the Committee of Ways and Means to insert such a provision, I am satisfied the House will not strike it out.

Consult Messrs. Latham and McDougal on the subject, and write to me by the next steamer after the receipt of this hastily prepared note.

Very truly yours, &c.,

JOHN BIGLER.

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Extract from letter dated

WASHINGTON CITY, April 27, 1854.

JOHN BIGLER :

Sir :—The report on the War Debt was ordered printed by the House. You will have a copy by the next mail. The General Government will certainly have to pay the expense of expeditions. The facts are so strongly embodied and put in the report that there is no way of their getting rid of it. We cannot get it up right away, but when it does come up it will be earnestly supported by those who are or will be advised of its character. I received your message on the subject this morning. It is all right, and I hope the Legislature will act on it and do full justice in the premises, &c., &c.

Yours truly,

WINSLOW S. PIERCE.



SACRAMENTO CITY, May 29, 1854.

WINSLOW S. PIERCE :

Dear Sir:—I am sorry to say that the Legislature adjourned without acting upon the subject of the War Debt. I reminded them of the great importance of action on this subject in several special communications, determined that no blame should hereafter attach to me on the subject.

If however, you can succeed, the next Legislature will no doubt remunerate you liberally for the important service rendered the State. Indeed, your efforts are highly spoken of among the people, who seem to appreciate your services.

I regret the failure of the Legislature to act in this matter, but, having exerted all my influence as well as all my constitutional powers, the responsibility must rest where neglect occurred.

I have the honor to be, very respectfully, your obedient servant,

JOHN BIGLER.

WASHINGTON CITY, April 30, 1854.

HON. JOHN BIGLER :

Since my last letter to you was written, yours of March 30th has been received. The report of the Committee on the War Debt will probably be printed to-morrow. We were to have had it to-day, but failed to receive it from the printing office.

I hope the Legislature will not fail to act upon the important suggestion in your message. It will greatly aid our delegation to have a strong petition from that body. Members here should be assured that the subject is considered all-important there, and about which there is much anxiety, for, if we do not get the appropriation at the outset, it will be more and more difficult to secure it, the longer it is deferred. I have used your special message in some instances to show that it is to be made an important measure of the session. The provision assuming the Debt will be incorporated into the General Appropriation Bill. Had there have been a division in Committee and a majority report on it, the result would have been different, and it would have come up in a special Bill.

McDonal has been quite successful in being able to get it unanimously reported, which secures its being put in the Appropriation Bill. The report is his, from a Committee of which he is a member. It is fortunate for us that it was first submitted to the House. In doing this I acted under the advice of Gen. Shields, Chairman of Military Affairs in the Senate, who is warmly in favor of the measure, and will render all the assistance in his power to further the recognition and payment of the claim.

I hope yet to hear that this subject has not been wholly neglected by the Legislature.

I expect to be absent from this city about ten days, as the Nebraska and Kansas Bill absorbs all attention, and will prevent much from being done for some days.

Respectfully, your obedient servant,

WINSLOW S. PIERCE.

WASHINGTON CITY, June 30, 1854.

HON. JOHN BIGLER.

Dear Sir :—Yours dated 29th has just come to hand. I am not a little disappointed to learn from it that the Legislature adjourned without taking action upon so important a subject as the "War Debt" in its present state, and the circumstances connected with it.

A strong petition from that body was needed for the purpose of urging it more forcibly on Congress, and some provision is required to authorize the transmission to me of the vouchers upon which Warrants and Bonds were issued, to be used in case an appropriation be made.

There is now a very strong probability of the appropriation ; in fact, we cannot see how it can well fail or be stricken out of the Appropriation Bill as it now stands.

The neglect to provide by appropriation or by authorizing the payment of a percentage to me in case of success, is not a little discouraging. I think that I can justly claim that my services in this have been important. I have given this subject my thoughts and time, when I could spare the latter, since 1852, and since I left the Controller's office have attended to it exclusively ; and the failure to give it any attention, on the part of the Legislature, or make any provision to assist in recovering so large an amount as that due for Indian Wars, is poor encouragement for such a sacrifice on my part.

You state in your letter, "If you can succeed, the next Legislature will no doubt remunerate you liberally for the important service rendered," &c. Had they stipulated to pay me a per cent. on the amount in case of success, or have authorized the payment of a compensation commensurate with the importance and extent of the claim, I would have remained not only this session, but until and during the next, should it have been withdrawn from the Appropriation Bill at this. Had not some one been careful to obtain, during the settlements of these expeditions, in the years '52 and '53, all information necessary to substantiate the claim and successfully dispose the many statements from other quarters, which have been sent to Washington to prejudice the same, it would have been exceedingly doubtful whether it could have been successfully pressed upon Congress, or even entertained for a moment by a single Committee of that body. Had no one attended to the securing of all testimony of this character, relative to the necessity of the expenditure on the part of the State, much would have been lost. Having given much time and labor to this, I had reason to anticipate some provision by the Legislature to remunerate me, either contingent upon success, at least, or for time and expenses.

The amount in the Appropriation Bill is \$924,259 65, being the amount due by the State, as shown by my Annual Report of December last, and includes principal and interest due up to January 1st, 1854. It will need no more attention until it may be necessary to secure it from being stricken out of the Bill in Committee of Conference, and our members will be on the alert, without doubt, to prevent this.

Respectfully, your obedient servant;

WINSLOW S. PIERCE.

## C

CORRESPONDENCE IN REFERENCE TO THE CUSTOM  
HOUSE BLOCK.

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SAN FRANCISCO, September 4 1854.

Hon. R. P. HAMMOND,

Sir : If the deed for the Custom House Block, herewith transmitted for your examination, is satisfactory, you are hereby authorized to pay to Hon. S. A. McMeans, Treasurer of State, one hundred and fifty thousand dollars, being one half the amount of the appraised value ; and he is hereby authorized to receipt for the money in my name, and deliver the deed to you as agent of the United States, and also fill the blank date in the body.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN BIGLER

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CUSTOM HOUSE, SAN FRANCISCO, }  
Collector's Office, September 5, 1854. }

SIR :

The Act to provide for the redemption of Controller's Warrants, passed April 1, 1853, and amended May 18, 1853, makes such warrants, " payable out of the General Fund," " receivable for any and all State dues," after the passage of that Act, except for certain taxes and revenue derivable from passengers, as therein specified. The Act to provide for the sale of the interest of the State in the property within the water-line front of the city of San Francisco, makes the terms of sale as follows : " Cash, or the Civil Bonds of the State of California, or the Civil Warrants of the Controller of State on the treasury." The property known as the Custom House Block is included in that referred to in the Act last mentioned, and the Act of May 3, 1854, makes no alteration whatever in the conditions for payment of State dues, or of purchase money of State property, previously fixed by legislative enactments.

With the view, therefore, of saving to the United States a large sum of money, I propose to pay for the Custom House Block aforesaid, in the "Civil Bonds of the State of California, or the Civil Warrants of the Controller of State on the Treasury," and I respectfully request that you will inform me as soon as possible whether you will receive such Bonds or Warrants in payment of the consideration named in the deed of said property.

Very respectfully,  
Your obedient servant,

RICHARD P. HAMMOND,  
Collector and Disbursing Agent.

His Excellency JOHN BIGLER,  
Governor of the State of California.

SAN FRANCISCO, Sept. 7th, 1854.

HON. R. P. HAMMOND.

SIR:—Your note of the 5th inst, tendering, on the part of the United States, Civil Bonds and Civil Warrants of the State of California in payment for the property known as the Custom House Block, situated in the City of San Francisco, is before me.

In reply, I beg leave to state that the act to which you have directed my attention in your note, does not provide for the sale of the property in question, as you will discover by reference to the 16th section, which reads as follows:

"SECTION 16. So much of the property known as the Government Reserves, on the block bounded by Sansome, Battery, Washington and Jackson streets, as may have been selected by or on behalf of the General Government for the erection of a Custom House, is *reserved* and *excepted* from the provisions of this Act."

The foregoing section plainly reserves the property in question from sale under the provisions of the act providing for the sale, by a Board of Commissioners, of the interest of the State of California in the property within the water line front of the City of San Francisco; and of course I cannot regard the provisions of law, to which you have directed my attention, as authorizing me to receive from the General Government the Civil Bonds and Civil Warrants of this State in payment for the property situated in the City of San Francisco, known as the Custom House Block.

I shall be governed in my action in the premises by the Act of 3d May, 1854, entitled "An Act to authorize the Governor of this State to convey certain property in the City of San Francisco to the United States, for certain purposes."

The 2d section of this act provides that the Appraisers shall view the property and fix a *cash value*, and the 3d section provides that upon the payment of an amount "equal to one half" of the estimated *cash value*, the Governor shall de-



live a deed to the District Attorney of the United States.

With all the provisions of this Act I am now ready and willing fully to comply.

In this connection, I beg leave further to state that certified copies of the Act of May 3d, 1854, above referred to, were by me transmitted to the Secretary of the Treasury and each of our delegation in Congress.

After the receipt of copies of this Act, and with a full knowledge of its provisions, I am informed that Congress appropriated the sum of one hundred and fifty thousand dollars (\$150,000) in lawful currency of the United States, to be paid to the State of California for the property in question.

Believing that Congress appropriated the amount in legal currency of the United States, and that the same kind of funds should be paid to the State of California, it now only remains for me to assure you that I will not receive in payment the Civil Bonds or Civil Warrants of this State, as you propose, but am prepared to execute a deed to the United States for the property situated in the City of San Francisco, known as the Custom House Block, as directed by the Act of May 3d, 1854, and to receive in payment for the same the sum of one hundred and fifty thousand (150,000) dollars, in the lawful currency of the United States.

You will oblige me much by giving this matter immediate consideration.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN BIGLER,

Governor of the State of California.

[No. 35.]

COMPTROLLER'S OFFICE, }  
SACRAMENTO, California, Sept. 9, 1854. }

This is to certify, that His Excellency, John Bigler, Governor of California, has paid the Treasurer of State one hundred and fifty thousand dollars in the legal currency of the United States.

Credited to the Interest Fund of 1851—\$150,000 00, being the amount due said fund, received by him for State Property, by virtue of an Act passed May 3d, 1854, and that he is hereby discharged from all liabilities as to the same.

SAM. BELL,

Controller of State,

By ELAM COVINGTON,

Clerk.

[\$150,000 00]

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly did, on yesterday, the 4th, concur in the Senate Concurrent Resolution appointing a committee to wait on the Governor, &c., and have appointed on their part Messrs. Buffum and Murdock said Committee.

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Hall moved that four thousand copies of the Governor's Message be printed in English, one thousand in German, five hundred in French, and five hundred in Spanish.

Mr. Peck moved to amend by limiting the number to be printed in English to three thousand copies.

Accepted.

Mr. French moved to amend by limiting the number to be printed in English to two thousand copies.

Mr. McGarry called for a division of the question.

The question being then on the amendment offered by Mr. French,

Messrs. Burton, Mandeville and Keene demanded the ayes and noes with the following result:

AYES.

Messrs. Burton, Day, French, Hawkes, Hawthorne, Hook, Leake, Mandeville, McCoun, McNeill, and Norman—11.

NOES.

Messrs. Colby, Crenshaw, Flint, Gove, Hall, Heintzelman, Kendall, Lippincott, Mahoney, May, McFarland, McGarry, Moore, Peck, Rust, Scellen, Sprague, Stebbins, Tuttle, and Whiting—20.

Mr. Day moved to amend by striking out one thousand copies in the German language, and inserting five hundred copies in the German language.

The motion was carried.

Mr. Tuttle moved that five hundred copies be ordered printed in the Chinese language.

Lost.

Mr. Hall withdrew his original motion, and offered the following resolution:

*Resolved*, That three thousand copies of the Governor's Message be printed in the English, and five hundred copies in the French, Spanish and German languages, each, for the use of the Senate.

Adopted.

Mr. Peck moved, that when the Senate adjourn, they adjourn to meet again on Wednesday next, the 10th inst.

Mr. Keene raised a constitutional question, that the Senate, without the concurrence of the Assembly, could not adjourn for a longer period than three days.

Mr. Sprague, the President *pro tem.*, sustained the objection.

Mr. May offered the following resolution:

*Resolved.* That the Secretary of State be instructed to place a Map of the State of California in some suitable place within the hall of the Senate.

Mr. Keene moved to amend the resolution by inserting after the word "California," the words, "and Monk's Map of the United States."

Carried.

Mr. Day moved, as an additional amendment, to add after the word "Senate," the words "and such other Maps, not exceeding two, of the Mining Regions of this State, as may be authorized by the President of the Senate."

The amendment was carried, and the resolution as amended was adopted.

Mr. Peck presented a paper in the following words:

"On the motion that when the Senate adjourns to-day, it adjourns to the usual hour on Wednesday next, Mr. Keene, the Senator from El Dorado, raised the point of order that the Senate could not adjourn for a period beyond three days, without the consent of the Assembly; the President sustained the objection as good—from which decision I appeal, for the reason that Sunday is not a legal day.

E. T. PECK."

The question being then, "Shall the decision of the President *pro tem.* be sustained as the judgment of the Senate?"

Messrs. Keene, Leake and McFarland, demanded the ayes and noes, with the following result :

AYES.

Messrs. French, Gove, Hook, Keene, Kendall, McFarland, McGarry, McNeill, Stebbins, Tuttle—10.

NOES.

Messrs. Burton, Colby, Day, Flint, Hall, Hawkes, Hawthorne, Leake, Lippincott, Mahoney, Mandeville, May, McCoun, Moore, Peck, Scellen—16.

Mr. Leake moved that the Senate reconsider their vote on the appeal from the decision of the President.

Upon which, Messrs. Leake, French and Crenshaw demanded the ayes and noes, with the following result:

AYES.

Messrs. Day, French, Gove, Hook, Keene, Kendall, Leake, McFarland, McNeill, Norman, Stebbins—11.

NOES.

Messrs. Burton, Colby, Flint, Hall, Hawkes, Hawthorne, Lippincott, Mahoney, Mandeville, May, McCoun, Moore, Peck, Rust, Scellen, Tuttle, Whiting—17.

So the Senate refused to reconsider.

Mr. McFarland submitted the following resolution :

*Resolved*, That in commemoration of one of the most glorious events in the history of the Republic, (the battle of New Orleans,) the Senate, when they do adjourn, adjourn over until Tuesday next, at 11 o'clock.

Upon which, Messrs. Mahoney, Peck and Hall demanded the ayes and noes with the following result :

AYES.

Messrs. Crenshaw, Day, French, Gove, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McFarland, McNeill, Norman, Rust and Stebbins—17.

NOES.

Messrs. Burton, Colby, Flint, Hall, Hawkes, Lippincott, Mahoney, McCoun, McGarry, Moore, Peck, Scellen, Tuttle, Whiting—14.

So the resolution was adopted.

Mr. Peck moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Mandeville, Crenshaw, and French, with the following result :

AYES.

Messrs. Colby, Flint, Hall, Hawkes, Lippincott, Mahoney, May, McCoun, McGarry, Moore, Peck, Rust, Whiting—13.

NOES.

Messrs. Burton, Crenshaw, Day, French, Gove, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McNeill, Norman, Rust, Stebbins, Tuttle—18.

So the Senate refused to adjourn.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly have this day adopted a Concurrent Resolution to go into the election of United States Senator on Wednesday, the 10th of January, 1855.

J. M. ANDERSON,  
Clerk of Assembly.

On motion of Mr. Crenshaw, the following resolution of the Assembly was read :

*Resolved*, (the Senate concurring,) That Wednesday, the 10th of January, be fixed as the day on which the Senate and Assembly shall unite in Joint Convention for the election of a United States Senator.



Mr. Mandeville moved that the Senate concur in the resolution.

Mr. Peck moved that the resolution be laid upon the table.

Upon which, Messrs. Leake, Mandeville and French demanded the ayes and noes, with the following result :

AYES.

Messrs. Colby, Flint, Hall, Hawkes, Lippincott, Mahoney, May, McCoun, Moore, Peck, Rust, Sprague, Tuttle, Whiting—14.

NOES.

Messrs. Burton, Crenshaw, Day, French, Gove, Hawthorne, Heintzelman, Hook, Keene, Leake, Mandeville, McFarland, McGarry, McNeill, Norman, Scellen, Stebbins—17.

So the Senate refused to lay the resolution upon the table.

Mr. Whiting moved that the resolution be referred to a Select Committee of three.

Upon which Messrs. Mandeville, Leake and French demanded the ayes and noes, with the following result :

AYES.

Messrs. Colby, Flint, Hall, Hawkes, Lippincott, Mahoney, May, McCoun, Moore, Peck, Rust, Sprague, Tuttle, Whiting—14.

NOES.

Messrs. Burton, Crenshaw, Day, French, Gove, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McGarry, McNeill, Norman, Scellen, Stebbins—18.

Mr. Crenshaw moved to strike out from the resolution the words "Wednesday, the 10th of January," and insert in lieu thereof the words "Thursday next, the 11th inst."

Mr. Whiting moved to strike out from the resolution the words "Wednesday, the 10th of January," and insert, in lieu thereof, the words "one week from Wednesday, the 10th of January."

Mr. Burton called for a division of the question, which, being had, the question recurred on the motion to strike out.

Upon which, Messrs. Mandeville, Crenshaw and Hawthorne demanded the ayes and noes, with the following result :

AYES.

Messrs. Colby, Flint, Hall, Hawkes, Hawthorne, Lippincott, Mahoney, May, McCoun, McGarry, Moore, Peck, Rust, Scellen, Sprague, Tuttle, Whiting—17.

NOES.

Messrs. Burton, Crenshaw, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McNeill, Norman, Stebbins—15.

So the motion to strike out was carried.

The question being then on the motion to insert in the resolution the words "one week from Wednesday, the 10th of January,"

Messrs. Whiting, Keene and French demanded the ayes and noes, with the following result :

#### AYES.

Messrs. Colby, Flint, Hall, Hawkes, Hawthorne, Lippincott, Mahoney, May, McCoun, McGarry, Moore, Peck, Rust, Scellen, Sprague, Tuttle, Whiting—17.

#### NOES.

Messrs. Burton, Crenshaw, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McNeill, Norman, Stebbins—15.

On motion, the Senate adjourned.

### IN SENATE.

TUESDAY, January 9, 1855.

Senate met pursuant adjournment.

Mr. Sprague, the President *pro tem.*, in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of Friday, the 5th inst., was read.

On motion of Mr. Crenshaw, the Journal was amended by the insertion of the following words :

"Mr. Crenshaw moved to strike out from the resolution the words 'Wednesday, the 10th of January,' and insert, in lieu thereof, the words 'Thursday next, the 11th instant.'"

On motion of Mr. French, the Journal was amended so as to read—

"Mr. French moved to strike out from the resolution authorizing the Secretary to employ four clerks, the word 'four,' and insert 'two.'"

Mr. Mandeville moved that the concurrent resolution of the Assembly, amended by the Senate, appointing one week from Wednesday, the 10th of

January, as the day on which the Senate and Assembly shall unite in Joint Convention for the election of a United States Senator, be taken from the table and adopted.

Mr. Whiting moved that the resolution be amended so as to read "Wednesday, the 17th inst.

Accepted.

Mr. McFarland offered the following substitute to the resolution:

*Resolved*, (the Assembly concurring) That the Senate and Assembly meet in Joint Convention, in the Assembly Hall, on Wednesday, the 17th instant, at 12 o'clock, M., for the purpose of electing a United States Senator, in the place of the Hon. William M. Gwin, whose term of office expires on the 4th of March next.

Adopted.

Mr. Burton gave notice that he will, at an early day, introduce a Bill to change the name of the "South Yuba Mining and Sacramento Canal Company," to the "Nevada County and Sacramento Canal Company."

Mr. Whiting introduced the following resolution :

*Resolved*, By the Senate and Assembly, that a Committee of two from the Senate and three from the Assembly be appointed, to visit the State Prison and investigate the causes which have led to the numerous escapes of convicts during the past year, and that they be instructed to inquire into the general management of that institution, and report the result of their investigations in writing, as early as practicable.

Mr. Keene moved that the resolution be amended so as to direct the appointment of a Committee of two from each House, and it was adopted.

The resolution, as amended, was adopted.

Mr. Whiting gave notice that on Thursday next he will introduce a Bill entitled "An Act to encourage the construction of a Railroad and Telegraph line from the Bay of San Francisco to the eastern line of this State, with branches thereto."

Mr. May gave notice that on to-morrow, or some day soon thereafter, he will introduce a Bill for an Act prescribing rules and regulations for the disposal of the lots in towns situated on the Public Lands of the United States in this State, not being Mineral Lands, and also for the disposal of the proceeds of the sales thereof.

Mr. McCoun gave notice that on to-morrow, or some early day thereafter, he will introduce a Bill for an Act to fund the debt of Contra Costa County.

Mr. Crenshaw gave notice that on Monday next, or on an early day thereafter, he will propose amendments to sections two, three, five, six and twenty-five of Article four, and section two of Article ten of the Constitution of the State of California.

Mr. Keene gave notice that on to-morrow, or at an early day thereafter, he will introduce a Bill for an Act to amend an Act entitled "An Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers," passed May 1st, 1852.

Mr. McGarry gave notice that he will, at an early day, introduce a Bill to authorize David N. Darlington and others to erect a wharf at Vallejo, in Napa Straits.

Mr. Flint gave notice that at an early day he will bring in a Bill to prevent the Chinese and the races not eligible to citizenship from holding mining claims.

Mr. Tuttle introduced the following resolution :

*Resolved*, That the Secretary of State be requested to report to the Senate, at his earliest convenience, certified copies of all papers on file in his office, by which Corporations have been organized, under the laws of this State, for running stages or navigating the waters of this State by steam.

Adopted.

Mr. Sprague gave notice that at an early day he will introduce a Bill for an Act to fund the indebtedness of the State existing in the form of State Controller's Warrants, drawn upon the Treasurer of State between the 30th day of June, 1853, and the 1st day of January, 1855. Also, for "An Act concerning the office of Treasurer of State."

Mr. Kendall gave notice that at an early day he will introduce a Bill to abolish the Charter of the City of Sonora, and also a Bill to substitute a Town Charter in its stead.

Mr. Mahoney presented the following resolution :

*Resolved*, That a Committee, consisting of three, be appointed, to fix the per diem of the various officers of the Senate.

Adopted.

The President *pro tempore* appointed Messrs. Mahoney, Tuttle and McCoun as such Committee.

Mr. Colby gave notice that at an early day he will introduce a Bill to encourage settlements and permanent improvements on wild and unoccupied lands within the limits of California.

Mr. Mandeville gave notice that at an early day he will introduce an Act for the better observance of the Sabbath.

Mr. McFarland moved that the Secretary be instructed to report to the Assembly forthwith, the concurrent resolution adopted by the Senate, appointing Wednesday, the 17th instant, at 12 o'clock, M., as the day on which the Senate and Assembly will meet in Joint Convention to elect a United States Senator ; and it was adopted.

Mr. French submitted the following preamble and resolution :

*Whereas*, The resolution passed by the Senate on the 5th instant, touching the publication of the Governor's Message, is claimed to embrace the accompanying documents,

*Resolved*, That said resolution shall be so construed that only the Message proper, the Report of the Treasurer, Controller, and a brief synopsis of the Superintendent of Public Instruction's Report shall be published under said resolution.

Mr. Crenshaw moved to amend the resolution by striking out the words "and a brief synopsis of the Superintendent of Public Instruction's Report," which was accepted.



The question being then on the adoption of the resolution, Messrs. Hook, Mandeville and French demanded the ayes and noes, with the following result :

## AYES.

Messrs. Burton, Crenshaw, Day, Flint, French, Govc, Hall, Hawkes, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, Mandeville, May, McCoun, McFarland, McGarry, McNeill, Norman, Rust, Scellen, Sprague, Stebbins, Tuttle—27.

## NOES.

Messrs. Colby and Mahoney—2.

So the resolution was adopted.

Mr. McFarland submitted the following :

*Resolved*, That a Committee of three be appointed to examine the Reports accompanying the Governor's Message, and inquire into the propriety of printing any or all of such documents.

Mr. Keene moved to amend the resolution by adding the words "and report to the Senate."

Adopted.

The resolution, as amended, was carried.

On motion of Mr. McFarland, the resolution was referred to a Select Committee, consisting of Messrs. Kendall, Hawthorne and Lippincott.

Mr. Heintzelman submitted the following :

*Resolved*, That the State Printer be and he is hereby directed to print in German type, the copies of the Governor's Message heretofore ordered in the German language; *provided*, the cost shall not be greater than if printed in English type.

Adopted.

Mr. Tuttle submitted the following resolution :

*Resolved*, That the Secretary be instructed to furnish the State Printer with a copy of the proceedings of the Senate each day, after they have been approved, and the State Printer be directed to print each day's proceedings, and furnish the Sergeant-at-Arms with copies of the same, to be laid on the desks of Senators; *provided*, that the cost of publishing the Journals be not augmented thereby.

Mr. Whiting moved to amend the resolution by adding thereto the words, "and that no additional charge be made by the State Printer, except for the press work and materials of such copies so furnished the Sergeant-at-Arms for the use of the Senate.

Accepted.

Mr. Mandeville moved that the resolution be referred to the Select Committee of three to whom was referred the subject relative to the printing of the documents accompanying the Governor's Message.

The motion was adopted.

Mr. Hawkes asked leave to be excused from serving on such committee.

Granted.

On motion of Mr. May, the Senate adjourned.

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## IN SENATE.

WEDNESDAY, January 10, 1855.

The Senate met pursuant to adjournment.

Mr. Sprague, President *pro tem.*, in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. McCoun asked leave of absence for Mr. Hawkes.

Granted.

Mr. Kendall, from the Select Committee of three, to whom was referred the documents accompanying the Governor's Message, and the subject of printing the same and the Journals of the Senate, presented the following report, which was adopted :

*Mr. President :*

The Committee to whom was referred the resolution to have copies of the Journal printed daily for the use of the Senate, respectfully submit the following report :

Your Committee have called upon the State Printer, and obtained from him the accompanying statement, which shows that the cost of printing one hundred copies of the Journal daily, three pages in length, will amount to the sum of twelve dollars per day.

Your Committee also find, by reference to the Journal of the Senate for the last session, that there were printed six hundred and forty-five pages. Allowing that the Senate was actually in session one hundred days, the average number of pages would be more than six pages of printed matter per day, which would more than double the above estimated cost.

By making inquiry of the Secretary of the Senate, your Committee find that it will often be impossible for him to give a copy of the Journal to the State Printer in sufficient time to have it printed for the next day's use of the Senate, without the assistance of one or two additional clerks. So far as the simple additional cost of printing is concerned, your Committee have no objection to offer; but the impracticability of having the Journal always placed in the Printer's

hands in sufficient time to enable him to carry out the design of the resolution, induces your Committee to make an adverse report.

All of which is respectfully submitted to your honorable body.

THOS. KENDALL,  
C. E. LIPPINCOTT,  
J. C. HAWTHORNE.

To MESSRS. KENDALL, LIPPINCOTT, and HAWTHORNE,

Special Committee on Printing Journals daily for the Senate.

*Gentlemen :*

The additional cost of furnishing printed copies of the daily Journals of the Senate for each member will be, three dollars per page of composition, and three dollars per token press work.

For example: The cost of one hundred copies of three pages will be

Three pages, at \$3.....	\$9 00
One token presswork.....	3 00
Total, daily,.....	\$12 00

B. B. REDDING,  
State Printer.

Mr. McFarland submitted the following resolution :

*Resolved*, by the Senate, the Assembly concurring, That in proceeding to the election of a United States Senator on Wednesday, the 17th instant, (as provided for by a resolution which passed both Houses on the 9th inst.,) each member of the Senate and Assembly shall, as his name is called by the Secretary or Clerk, rise in his place, and vote for one person as United States Senator, and that if upon such voting, any person shall receive a majority of all the votes cast, he shall be declared elected ; *provided*, that at any time after the votes shall have been counted, and before the Houses shall proceed to take another vote, either House may retire; and in such an event, no further vote shall be taken, until the re-assembling of the two Houses ; but both Houses shall, at all convenient hours, continue the proceedings as herein prescribed, until the election of a United States Senator shall be completed.

Mr. Whiting moved to strike out from the resolution all after the word " provided."

Mr. Moore moved that the whole subject be laid upon the table.

Adopted.

Mr. Stebbins asked the unanimous consent of the Senate to introduce the following resolution.

Granted.

*Resolved*, That the Rules of the Senate be amended, by adding to the Standing Committees a Committee on Escheated Estates, to be composed of five members.

Adopted.

Mr. Day asked the unanimous consent of the Senate to introduce the following resolution.

Granted.

*Resolved*, That the Rules of the Senate be amended by adding to the list of Standing Committees of the Senate a Committee on Internal Improvements, to consist of ——— members.

Mr. Day moved that the blank be filled with the word "seven."

Carried.

And the resolution as amended was adopted.

The following messages were received from the Assembly :

JANUARY 10, 1855.

*Mr. President :*

I am directed to inform the Senate, that the Assembly did, on yesterday, pass the following concurrent resolution:

*Resolved*, by the Assembly, the Senate concurring, That a Committee of three from each House be appointed to examine proposals for translating the Laws into Spanish : Messrs. Covarrubias, Smith of Marin, and Mellus, were appointed the committee on behalf of the Assembly.

Also, the Assembly has concurred in fixing Wednesday, the 17th inst., for electing a United States Senator.

Also, that the Assembly has concurred in the appointment of a committee to draft and report Joint Standing Rules for the Senate and Assembly, and have appointed Messrs. Flournoy and Watkins, Committee on the part of the House.

J. M. ANDERSON,  
Clerk of Assembly.

JANUARY 10, 1855.

*Mr. President :*

I am directed to inform the Senate, that the Assembly have this day passed Assembly Concurrent Resolution, granting leave of absence to the Hon. Alonzo C. Monson.

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Heintzelman submitted the following :

*Resolved*, (by the Senate, the Assembly concurring,) That leave of absence be granted to the Hon. Elisha W. McKinstry, District Judge of the Seventh Judicial District, to absent himself from the State for the period of five months during the present year.

Mr. McGarry moved that the resolution be adopted.

Carried.

Mr. Crenshaw moved the adoption of the Concurrent Resolution from the Assembly, directing the appointment of a Committee of three from each House, to examine proposals for translating the Laws into Spanish.

Agreed to; and the Senate concurred in the resolution.



The President *pro tem.* appointed Messrs. Moore, Day and McGarry as such Committee on the part of the Senate.

Mr. Keene moved the adoption of the Concurrent Resolution from the Assembly; granting leave of absence from the State to the Hon. Alonzo C. Monson.

Agreed to; and the Senate concurred in the resolution.

The President *pro tem.* announced the following message from the Governor:

[Official.]

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 10, 1855. }

*To the Senate and Assembly of California :* "

I have the honor herewith to transmit a copy of the Annual Report of the Board of State Land Commissioners.

The suggestions therein contained are highly important, and deemed worthy of an early and favorable consideration.

JOHN BIGLER.

COMMISSIONERS' OFFICE, }  
San Francisco, January 1, 1855. }

*To the Senate and Assembly of California :*

In compliance with the requirements of Section 13 of the Act passed May 18, 1853, "To provide for the sale of the interest of the State of California in the property within the water line front of the city of San Francisco, as defined in and by the Act entitled 'An Act to provide for the disposition of certain property in the State of California,' passed March 26, 1851," the undersigned submit the following report, appended to which, we present tabular exhibits of the "full transactions of the Board," from September 12, 1853, to date.

It will be seen, by reference to the exhibits, that the sales, to the first January, 1854, amounted to \$494,175, to wit:

September 12,	-	-	-	-	-	-	-	-	\$12,350
October 5,	-	-	-	-	-	-	-	-	20,000
" 20,	-	-	-	-	-	-	-	-	111,350
December 28,	-	-	-	-	-	-	-	-	350,475

The last payments upon a great part of this property at the sales, did not fall due until about the 28th of March, 1854, and for want of compliance with the terms of sale on the part of some of the purchasers, the property was re-sold on their account, and suits have been instituted to recover the difference between the first and last sales.

Since our last report, dated January 7, 1854, we have sold property to the amount of \$517,031 50, which, added to the sales of the previous year, amount to the sum total of \$1,011,206 50; from which, however, must be deducted the amount received from the re-sales of property, as the difference between the first and last sale is always against the first purchaser; he is, therefore, credited with the amount for which the property resold, but is charged with the former price.

The sales of this year have been :

- 6th. Motions, Resolutions and Notices
- 7th. Second Reading of Bills.
- 8th. Third Reading of Bills.
- 9th. Unfinished Business of the preceding day.
- 10th. Special Orders of the Day.

## III.

Messages from the Governor, State Officers, and from the Assembly, may be considered at any time.

## IV.

The President shall cause the Secretary to make a list of all Bills Resolutions, Reports of Committees, and other proceedings which are committed to a Committee of the Whole, and which are not made the order of the day for any particular day—which list shall be called “The General Orders of the Day.”

## V.

All questions relating to the priority of business shall be decided without debate.

## VI.

When the reading of a paper is called for, (except petitions) and the same is objected to by any member, it shall be determined by a vote of the Senate, without debate.

## VII.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order :

- 1st. To adjourn.
- 2d. To lie on the table.
- 3d. To postpone to a day certain.
- 4th. To commit.
- 5th. To amend.
- 6th. To postpone indefinitely.

And the motion to adjourn shall always be in order, and decided without debate.

## VIII.

The President shall have the right to name any member to perform the duties of the Chair, who is hereby vested during such time with all the powers of the President ; but such substitute shall not lose the right of voting on any question while so presiding.

## IX.

Every Senator, when he speaks, shall, standing in his place, address the President, and, when he has finished, he shall sit down. No member shall speak

more than twice in any one debate on the same day without leave ; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of another who has not spoken.

#### X.

When two or more members rise at once, the President shall name the member who is first to speak.

#### XI.

No motion shall be debated until the same be seconded and distinctly announced by the President, and it shall be reduced to writing, if desired by the President or any member, and read by the Secretary, before the same shall be debated. A motion may be withdrawn at any time before amendment.

#### XII.

Every bill shall be introduced by giving at least one day's previous notice, or by order of the Senate, on the report of a committee, unless the Senate unanimously consent.

#### XIII.

Every bill shall receive three readings previous to its being passed. The President shall give notice at each, whether it be the first, second or third ; which readings shall be on different days, unless the Senate unanimously direct otherwise. No bills shall be amended or committed until twice read.

#### XIV.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put, shall (unless for special reasons he be excused) declare openly and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the members shall be taken alphabetically.

#### XV.

All committees of the Senate, and all joint committees on the part thereof, shall be appointed by the President, or in his absence by the President pro tem., or in the absence of both, by the acting President.

#### XVI.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

#### XVII.

No amendment shall be received at the third reading of any bill or resolution, unless by unanimous consent ; but it may be in order before the final passage of

any bill or resolution, to move its commitment or re-commitment, under special instruction.

### XVIII.

When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not, and every question of order shall be decided by the President, subject to an appeal to the Senate by any member. If a member be called to order for words spoken, the exceptionable language shall immediately be taken down in writing.

### XIX.

No member shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent member respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case, the expense shall be paid out of the contingent fund; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned. The President, or acting President of the Senate, or of less than a quorum thereof, shall have power to issue process directed to the Sergeant-at-Arms, or any other person, to compel the attendance of members absent without leave. Any Senator who shall refuse to obey such process, unless sick and unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent member, and for this purpose he may command the force of the county, or of any county in the State.

### XX.

When a question has been once put and decided, it shall be in order for any member voting in the majority to move for the re-consideration thereof, and such motion shall take precedence of all other questions except a motion to adjourn, but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion upon which the vote was taken, shall have gone out of the possession of the Senate, nor after the usual message shall have been sent from the Senate announcing its decision, nor shall any motion for re-consideration be in order unless made on the same day in which the vote was taken, or upon the next day of the actual session of the Senate thereafter; nor shall any question be re-considered more than once.

### XXI.

The following Standing Committees shall be appointed:

1. Committee on Claims, to consist of three members.
2. " Finance, to consist of five members.
3. " Judiciary, to consist of seven members.
4. " Elections, to consist of three members.
5. " Public Lands, to consist of five members.
6. " Commerce and Navigation, to consist of five members.



7. Committee on Federal Relations, to consist of three members.
8. " State Hospitals, to consist of five members.
9. " Mines and Mining Interests, to consist of seven members.
10. " Indian Affairs, to consist of five members.
11. " State Prisons and Public Buildings, to consist of three members.
12. " Education, to consist of three members.
13. " State Library, to consist of three members.
14. " Mileage, to consist of three members.
15. " Counties and County Boundaries, to consist of three members.
16. " Corporations, to consist of five members.
17. " Agriculture, Missions and Mission Lands, to consist of five members.
18. " Public Printing, to consist of three members.
19. " Roads and Highways, to consist of three members.
20. " Contingent Expenses of the Senate, to consist of three members.
21. " Military Affairs, to consist of five members.
22. " Public Expenditures, to consist of three members.
23. " Public Morals and Police, to consist of five members.
24. " Engrossed Bills, to consist of six members.
25. " Enrolled Bills, to consist of six members.
26. " Internal Improvements, to consist of seven members.
27. " Escheated Estates, to consist of five members.

## XXII.

When an amendment to the Constitution, or any bill requiring the concurrence of two-thirds of the Senators, is under consideration, the concurrence of two-thirds shall not be required to decide any question for amendments, or extending to the merits, being short of the final question.

## XXIII.

On a motion made and seconded, to close the doors of the Senate, or the discussion of any business, which may, in the opinion of the Senate, require secrecy, the President shall require all persons except the members, Secretaries, Sergeant-at-Arms and Doorkeeper of the Senate, to withdraw, and, during the discussion of said motion, the doors shall remain closed, and every member and officer of the Senate shall keep secret all such matters, proceedings and things whereof secrecy shall be enjoined by order of the Senate.

## XXIV.

The Committee on Engrossed Bills shall examine all bills, amendments and resolutions, before they go out of the possession of the Senate, and make report. Report from the Committee on Engrossed Bills shall, at all times, be in order.

## XXV.

When a resolution shall be offered, or a motion made to refer any subject,

and a different committee shall be proposed, the question shall be taken in the following order, viz :

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

## XXVI.

In all cases not provided for by these rules, parliamentary practice, as laid down in Jefferson's Manual, and the rules of the Senate of the United States, is hereby adopted.

## XXVII.

The hour of meeting of the Senate shall be 11, A. M., of each day, (Sundays excepted), and, in case any other is named, it shall be applicable only to one day, and shall not effect this rule beyond the day named, for a different hour of meeting.

## XXVIII.

The rooms, passages and buildings set apart for the use of the Senate, shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, bills, etc., of the Senate. He shall see that all officers of the Senate perform their respective duties. He shall have the power to appoint the necessary Pages and Porters of the Senate.

## XXIX.

When any member is absent without the bar of the Senate, when his name is called, on the call of ayes and noes, on any vote about to be taken, his vote shall not be received unless unanimously agreed to by the members present; nor shall a member be counted on a division of a vote who was absent or without the bar of the Senate without leave.

## XXX.

Any rule may be suspended by a concurrence of two-thirds of the members present; and any additional rule or amendment of a rule may be offered by giving one days notice, and the concurrence of two-thirds of the members present.

## XXXI.

The unfinished business in which the Senate was engaged at the last preceding adjournment, shall have the preference in the special orders of the day.

## XXXII.

When the ayes and noes shall be taken upon any question in pursuance of the above rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

## XXXIII.

All bills on a second reading, shall first be considered by the Senate in the same manner as if the Senate were in Committee of the Whole, before they shall be taken up and proceeded on by the Senate, agreeably to the Standing Rules, unless otherwise ordered.

## XXXIV.

The final question upon the second reading of every bill or resolution originating in the Senate, and requiring three readings previous to being passed, shall be, "Shall it be engrossed and read a third time?" and no amendment shall be received for discussion at the third reading of any bill, resolution, amendment or motion, unless by unanimous consent of the members present; but it shall at all times be in order, before the final passage of any such bill or resolution, to move its commitment under special instructions, and should such commitment take place, and any amendment be reported by the committee, the said bill or resolution shall be again read a second time, and considered as in Committee of the Whole, and then the aforesaid question shall be put.

## XXXV.

The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journals.

## XXXVI.

The proceedings of the Senate, when not acting as in Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial or paper, presented to the Senate, shall also be inserted in the Journal.

## XXXVII.

Messengers are introduced in any state of business, except while a question is being put, while the ayes and noes are calling, or while the ballots are counting.

## XXXVIII.

Places may be assigned to reporters by the President.

## XXXIX.

In case of any disturbance or disorderly conduct in the lobbies, the President, (or Chairman of the Committee of the Whole Senate,) shall have power to order the same to be cleared.

## XL.

The previous question shall be in this form: "Shall the main question now be put?" It shall only be admitted when demanded by a majority of the Senators

present, and its effect shall be to put an end to all debate, and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but, after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

#### XXI.

On a previous question, there shall be no debate. All incidental questions of order, arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

#### XXII.

A President, *pro tempore*, shall be elected, whose powers shall be co-extensive with the President, and shall, in the absence of the President, take the chair, and call the Senate to order at the hour of the meetings of the Senate.

#### XXIII.

When the Senate is equally divided, the Secretary shall take the decision of the President.

A Sergeant-at-Arms shall be appointed, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate from time to time, together with all such process, issued by authority thereof, as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and releasement, and for traveling expenses for himself or special messenger, going and returning, shall be paid out of the contingent fund, and no other fees shall be paid him beyond his pay per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of members, to prepare checks, and, if required so to do, to draw the money on such checks, for the members, (the same being previously signed by the President, and endorsed by the member or person to whom the check is made,) and pay over the same to the member or person entitled thereto.

#### XXIV.

It shall be the duty of the Doorkeeper to prohibit all persons except Senators, Members of the Assembly, Officers of the two Houses, and such Reporters as have had seats assigned them by the President, from coming within the bar of the Senate, unless invited by the Senate through its President, and to arrest for contempt all persons outside of the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

### JOINT RULES OF SENATE AND ASSEMBLY.

#### I.

In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference and appoint a



committee to confer, such committee shall, at a convenient hour to be agreed on by their Chairman, meet in their Conference Chamber and state to each, verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

## II.

When a message shall be sent from either House, it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

## III.

Messages shall be sent by the Secretary, Clerk, or by such persons as a sense of propriety in each House may determine to be proper.

## IV.

While bills are on their passage between the two Houses, they shall be on paper and under the signature of the Secretary or Clerk of each House, respectively.

## V.

After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the Assembly, or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the Governor of the State.

## VI.

When bills are enrolled they shall be examined jointly by the Enrolling Committees of the Senate and the Assembly, appointed as Standing Committees for that purpose, who shall carefully compare the enrollment with the engrossed bill as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report, forthwith, to their respective Houses.

## VII.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

## VIII.

After a bill shall have thus been signed in each House, it shall be presented by the said committee to the Governor of the State, for his approval, (it being first indorsed on the back of the roll, certifying in which House the same originated, which indorsement shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same originated), and shall be entered on the Journals of each House. The said committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the Journals of each House.

## IX.

All orders, resolutions and votes, which are to be presented to the Governor of the State for his approbation, shall also, in the same manner, be previously enrolled, examined and signed, and shall be presented in the same manner, and by the same Committee, as provided in the case of bills.

## X.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his Audience Chamber, by the President of the Senate, in the presence of the Speaker and both Houses.

## XI.

When a Bill or Resolution which shall have passed in one House is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

## XII.

When a Bill or Resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session, without a notice of five days and leave of two thirds of that House in which it shall be renewed.

## XIII.

Each House shall transmit to the other all papers on which any Bill or Resolution shall be founded.

## XIV.

After each House shall have once adhered to their disagreement, a Bill or resolution shall be lost.

## XV.

No Bill or Resolution that shall have passed the Assembly and Senate shall be presented to the Governor for his approval on the last day of the session.

## XVI.

No appropriations of money, for any purpose whatever, shall be made, except by bill.

## XVII.

No spirituous liquors shall be offered for sale or exhibited within the Capitol or Public Grounds adjacent thereto.

The Lieutenant Governor and President of the Senate assumed the chair and announced the following Standing Committees of the Senate:

1, CLAIMS.

Flint, Rust and Mandeville—3.

2, FINANCE.

Moore, Tuttle, Burton, Rust and Day—5.

3, JUDICIARY.

Sprague, Hall, Tuttle, Hawkes, Whiting, Crenshaw and Leake—7.

4, ELECTIONS.

Gove, McCoun and Hook—3.

5, PUBLIC LANDS.

Keene, Gove, Mandeville, Day and McGarry—5.

6, COMMERCE AND NAVIGATION.

Mahoney, Stebbins, Hawkes, Hall and Whiting—5.

7, PUBLIC EXPENDITURES.

French, Seellen and Norman—3.

8, FEDERAL RELATIONS.

Tuttle, May and Flint—3.

9, STATE HOSPITALS.

McFarland, McCoun, Keene, Hawthorn and Mahoney—5.

10, MINES AND MINING INTEREST.

Hall, Hook, Seellen, Kendall, Norman, Burton and McNeil—7.

11, INDIAN AFFAIRS.

Hook, May, McFarland, Peck and McNeil—5.

12, STATE PRISON.

Crenshaw, Heintzelman and Colby—3.

13, EDUCATION.

Hawkes, Day, Keene, McFarland and Kendall—5.

14, STATE LIBRARY.

Kendall, French and Mahoney—3.

15, COUNTIES AND COUNTY BOUNDARIES.

Leake, Peck and Lippincott—3.

16, CORPORATIONS.

Whiting, Mandeville, Burton, Crenshaw and Hall—5.

17, AGRICULTURE.

Heintzelman, Norman, Day, McGarry and Gove—5.

18, PUBLIC PRINTING.

Lippincott, Norman and Moore—3.

19, ROADS AND HIGHWAYS.

Mandeville, Scellen and Lippincott—3.

20, CONTINGENT EXPENSES.

McGarry, Hawthorn and Heintzelman—3.

21, MILITARY.

May, Hawkes and McNeil—3.

22, ENGROSSED BILLS.

Colby, French, Peck, Burton, Flint and McCoun—6.

23, ENROLLED BILLS.

Norman, Hawthorn, Stebbins, Scellen, Leake, McGarry and McNeil—7.

24, PUBLIC MORALS AND POLICE.

McNeil, Moore and Sprague—3.

25, MILEAGE.

Rust, May and Colby—3.



## 26, INTERNAL IMPROVEMENTS.

Day, Norman, Hook, McFarland, McNeil, Flint and Whiting—7.

## 27, ESCHEATED ESTATES.

Stebbins, Sprague, Gove, Mahoney and Tuttle—5.

Mr. Sprague moved that two hundred and forty copies of the Joint Rules of the Senate and Assembly, the Standing Rules of the Senate, and the several Standing Committees, each, be ordered printed.

Agreed to.

The Lieutenant Governor laid before the Senate the following communication:

SAN FRANCISCO, December 25, 1854.

HON. LIEUT. GOV. PURDY,  
President of the Senate:

Sir:—

In compliance with a resolution adopted at a mass meeting held in San Francisco the 12th inst., I herewith transmit through you to the Legislature of California, a series of resolutions adopted on that occasion, with a hope that your honorable body will make such disposition of them as the public good may seem to demand, and that they may be taken up and acted on at the earliest day practicable, with a view of influencing our Congressional Delegation this present session.

Very respectfully,  
Your obedient servant,

B. M. WOZENCRAFT,  
Chairman of Committee.

*Whereas*, In view of the present and prospective increase of population and domain of these United States, extending, as they now do, over the entire breadth of the Great Western Continent; containing, as they now do, a population, the integral portions of which are derived from all the various races on earth, many but recent subjects of despotic, monarchical and ecclesiastical powers; others again who have not as yet entered into pupilage with any fixed form of government; we are admonished of the difficulty in making this immense mass of human beings entirely homogeneous, and of the danger to our republican institutions in the expansive embrace of territory and population without adequate means of protecting the one and controlling the other. Therefore, be it

*Resolved*, That in the construction and use of Telegraphs and Railroads we have the great pre-requisites for rapid inter-communication, and, as such are indispensable to our government in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

*Resolved*, That we petition our Legislature to instruct our Senators and invite our Representative to favor and procure the passage of a bill appropriating moneys out of the Public Treasury to build a Railroad through the States and Territories on a line between the Atlantic and Pacific.

*Resolved*, That we petition our Legislature to instruct our Senators and invite our Representatives to favor and procure the passage of a bill which shall secure the said territorial trunk in a central position if practicable, so as to fulfill and subserve the requirements of all the members in the confederacy.

*Resolved*, That we petition our Legislature to instruct our Senators and invite our Representatives to favor and procure the passage of a bill to plant military posts at suitable locations on the present Central Emigrant Road, and improve said road at such places where it may be required.

*Resolved*, That we petition our Legislature to instruct our Senators and invite our Representatives to favor and procure the passage of a bill which shall secure to us at an early day, the postal and telegraphic facilities through our own domain. And, finally, be it

*Resolved*, That we petition the Legislatures of all the States and Territories to act in concert and co-operation with us in this national work, believing, as we do, that we are all alike deeply interested in the speedy consummation of this internal road.

On motion of Mr. Tuttle, it was referred to the Committee on Internal Improvements.

Mr. McFarland submitted the following resolution :

*Resolved*, That the Controller and Treasurer of State be, and they are hereby requested to furnish to the Senate at an early day; a statement of the civil expenditures of the State Government for the current fiscal year, which have and probably will accrue from the first day of February, 1854, to the first day of February, 1855, and to meet which no appropriations have been or are made, and that such statement of expenditures be made in items, so that specific appropriations may be made to cover and meet the same.

Adopted.

Mr. Sprague gave notice that on to-morrow he will ask leave to introduce a bill for an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Legislative expenses of this State, accruing from the first day of February, 1854, to the first day of February, 1855.

Mr. McGarry gave notice that, at an early day, he will introduce a bill entitled an Act for the relief of John C. Hays.

On motion of Mr. McGarry the Senate adjourned.

## IN SENATE.

THURSDAY, January 11, 1855.

Senate met pursuant adjournment.

The President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read.

On motion of Mr. Sprague the Journal was amended so as to read:

"Mr. Sprague moved that two hundred and forty copies of the Joint Rules of the Senate and Assembly, the Standing Rules of the Senate, and the several Standing Committees, each be ordered printed, which was agreed to."

Mr. Kendall presented the following report:

Your Committee to whom was referred the documents accompanying the Governor's Message, beg leave to report in favor of printing four thousand copies each of the Controller's and Treasurer's Report, and one thousand copies of report and correspondence concerning the Leidesdorff Estate. Your Committee are engaged in examining other documents and will report finally at an early day.

THOS. KENDALL,  
C. E. LIPPINCOTT,  
J. C. HAWTHORNE.

The report was adopted.

Mr. Tuttle moved that so much of the Message of the Governor as referred to the State Finances and Indian War Debt be referred to the Committee on Finance.

So much as refers to the San Francisco Water Front to the Committee on Commerce and Navigation.

So much as refers to the liquidation of the Public Debt, to the Committee on Finance.

So much as refers to the Civil Fund, to the Committee on Federal Relations.

So much as refers to the Amendment to the Constitution, to the Judiciary Committee.

So much as refers to Legislative Expenses, to the Committee on Public Expenditures.

So much as refers to Fees in Office, to the Judiciary Committee.

So much as refers to Swamp and Overflowed Lands, to the Committee on Public Lands.

Mr. Keene moves that so much as refers to Public Lands in California, be referred to the Committee on Federal Relations.

So much as refers to protection to Actual Settlers, to the Committee on Agriculture.

So much as refers to Escheated Estates, to the Committee on Escheated Estates.

## IN SENATE.

FRIDAY, January 12, 1855.

Senate met pursuant adjournment.

The President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

The President laid before the Senate the following communication from the State Treasurer:

STATE TREASURY DEPARTMENT, }  
Sacramento, Jan. 11, 1855. }

*To the Hon. the President of the Senate :*

Sir :—

In conformity with a resolution of the Senate, adopted January 10th, inst., requesting the Controller and Treasurer of State to furnish the Senate, at an early day, a statement of the civil expenditures of the State Government for the current fiscal year, which have and probably will accrue from the first day of February, 1854, to the first day of February, 1855, and to meet which no appropriations have been or are made ; and that such statements of expenditures be made in item, so that specific appropriations may be made to cover and meet the same, I have the honor to report :

That the information asked for in the above resolution can be obtained properly from the Controller of State only, as I have no means of furnishing it from any books or papers in this office, with the exception of a statement of the incidental expenses of the same, an account of which I have the honor to respectfully transmit herewith.

Very respectfully,

Your obedient servant,

S. A. McMEANS,  
State Treasurer.

Estimate of contingent expenses of the State Treasury Department from February first, 1854, to February first, 1855, embracing the amount already expended and probable amount necessary to meet expenditures within the period stated above:

For postage,	- - - - -	240 00
For Express charges—postage on letters, delivering Foreign Miner's Licenses, etc.	- - - - -	1,200 00
For traveling expenses to and from San Francisco to attend sales of State Property, and other official business, -	- - - - -	600 00
For necessary furniture for refitting office at Benicia and Sacramento, repairs, etc., -	- - - - -	600 00



For labor, porter hire, etc.,	-	-	-	-	-	600 00
For stationary, blank books, etc.,	-	-	-	-	-	1,000 00
For printing advertisements for redemption of 7 per cent. bonds,	-	-	-	-	-	400 00
For blanks,	-	-	-	-	-	200 00
Total,	-	-	-	-	-	4,840 00
Less amount appropriated,	-	-	-	-	-	2,000 00
Leaving amount unprovided for,	-	-	-	-	-	2,840 00

S. A. McMEANS,  
State Treasurer.

On motion of Mr. Sprague, the communication was referred to the Committee on Finance.

The President laid before the Senate the following report of the Board of Examiners of Military War Claims :

*To the Hon. the Senate and Assembly of California :*

Gentlemen :

In accordance with a joint resolution of 1853, making it the duty of the Board of Examiners of Military War Claims to furnish the Legislature with a general statement of the war debt, the Board of Examiners would most respectfully beg leave to report :

That, owing to the duties incumbent on them as officers of the State, they found it impossible to examine the vouchers, papers and documents relating to the various Indian wars in which the State has been engaged, and that they have in consequence been compelled to employ an efficient Clerk for that purpose.

The papers being very voluminous, and the claims of a complex and difficult character, it was deemed necessary to secure the services of Mr. A. J. H. Phelan, who had formerly been employed by the old Board, and who was more conversant with all the transactions than any other person. This duty he has discharged most admirably and to our entire satisfaction, having examined each voucher separately, and made out a full and complete exposition of the various expeditions, showing at a glance the condition of each, and which we have no doubt will prove, on examination, as satisfactory to the Legislature as it has been to us.

Our engagement with Mr. Phelan was, that he should look to the Legislature to be remunerated for his services, and his account for the same we would respectfully urge on the Legislature the propriety of paying it immediately, as he has thus far received nothing for a most important and most laborious undertaking.

By reference to the statement thus made, it will be seen that there was paid for animals, \$55,216 00; for supplies, \$237,749 69; for the services of men and use of horses, \$549,607 79; making a total of \$843,573 48, as disbursed by the Board of Examiners and by the paymasters; included in the total amount is a special appropriation of a war loan loaned for one thousand dollars to James S. Bolen.

It was the duty of the Quartermasters and Commissaries of the different ex-

peditions to have accounted for the disposition of the public property, but in no instance except one has this duty been complied with.

The Quartermaster and Commissary of the Los Angeles and Utah expeditions has fully accounted for the animals and other property remaining on hand after the troops composing said expedition were disbanded, and the proceeds of the sale was deducted from his account against the State.

The amount of one hundred and ninety-nine thousand dollars in 12 per cent. War Loan Bonds of the State, was delivered by the Treasurer of State to the paymasters for the liquidation of claims in the Gila and first El Dorado expeditions, and by reference to the statement aforesaid, it will be seen that they have not satisfactorily accounted for the same.

We would most respectfully request that a committee be appointed immediately to examine the statement as thus made out, so that some action may be taken as soon as possible to obtain the money appropriated by Congress to pay off these claims, and thereby relieve the State from one of the largest items of her indebtedness.

J. W. DENVER,  
Secretary of State.

S. A. McMEANS,  
State Treasurer.

SAMUEL BELL,  
Controller of State.

*Board of Examiners.*

SACRAMENTO CITY, January 4, 1855.

On motion of Mr. Keene the report was referred to the Committee on Finance.

On Motion of Mr. Heintzelman:

*Resolved*, That a Committee of three be appointed to act with the Committee appointed by the House to inquire into the condition of the war debt of this State.

The President appointed Messrs. Colby, McFarland and Hall as such Committee on the part of the Senate.

Mr. Day moved that the Senate reconsider the vote by which that part of the Governor's Message relative to the Overland Emigrant Road was referred to the Committee on Roads and Highways.

Agreed to, and,

On motion of Mr. Day, the subject was referred to the Committee on Internal Improvements, and Mr. Stebbins was added to such Committee.

Mr. Whiting submitted the following preamble and resolution:

*Whereas*, The Hon. Pablo de la Guerra, Senator from Santa Barbara and San Luis Obispo, is now absent from the State on business of importance, therefore,

*Resolved*, That leave of absence be granted to that Senator until the first Monday in February next.

Adopted.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly did, on yesterday, pass Assembly bill No. 3, An Act requiring the Controller to audit certain bills of the members and officers of the present Legislature.

Respectfully yours,

J. M. ANDERSON,  
Clerk of Assembly.

On motion of Mr. Mandeville, Assembly bill No. 3 was read a first and second time, and,

On motion of Mr. Tuttle the same bill was referred to the Committee of the Whole and made a special order for to-morrow at 12 o'clock, M.

Mr. Whiting gave notice that, at an early day, he will introduce a bill to provide for the enumeration of the inhabitants of this State, in accordance with the provisions of section twenty-eight of article four of the Constitution.

Leave being granted, Mr. McGarry introduced a bill for an Act in relation to the Contingent Expenses of the Legislature.

Read a first time, and,

On motion of Mr. McGarry, the bill was read a second time by sections, and,

On motion of Mr. Leake, it was referred to the Committee on Contingent Expenses.

Leave being granted, Mr. McGarry introduced a bill entitled an Act for the relief of John F. Hays, which,

On motion of Mr. McGarry was read a first and second time and referred to the Committee on Claims.

The hour of 12 o'clock, M., having arrived, the Senate, in Committee of the Whole, proceeded to the consideration of an Act entitled an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Legislative Expenses of this State accruing from the first day of February, A. D., 1854, to the first day of February, A. D., 1855.

After some time spent in consideration of the bill,

On motion of Mr. Tuttle, the Committee rose and reported the bill to the Senate with amendments, and recommended its passage.

On motion of Mr. Sprague, the Senate concurred in the report of the Committee, and the bill was read a third time and passed.

On motion of Mr. Sprague:

*Resolved*, That the Sergeant-at-Arms is hereby required to supply each of the Reporters in the Senate Chamber with two copies of every printed bill, report and communication.

Leave being granted, Mr. McGarry introduced a bill entitled an Act to authorize David N. Darlinton, Josiah Hanscom and others to build a Wharf at Vallejo in Solano County.

Read a first time, and,

On motion of Mr. McGarry, the bill was read a second time and referred to the Committee on Commerce and Navigation.

Mr. Rust, from the Committee on Mileage, presented a report, which,

On motion of Mr. Peck, was recommitted to the Committee.

Leave being granted, Mr. McFarland introduced a bill entitled an Act in relation to the Indian War Debt of the State.

Read a first and second time and referred to the Committee on Indian Affairs, and the usual number ordered printed.

Leave being granted, Mr. Whiting introduced a bill entitled an Act to encourage the construction of a Railroad and Telegraphic Line from the Bay of San Francisco to the eastern line of this State, with branches thereto.

Read first and second time and referred to the Committee on Corporations.

On motion of Mr. Whiting, double the usual number of copies were ordered printed.

On motion of Mr. Burton the Senate adjourned.

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## IN SENATE.

SATURDAY, January 13, 1855.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read.

On motion of Mr. Tuttle, the Journal was amended so as to read "The Committee rose and reported the bill to the Senate with amendments, and recommended its passage."

The Journal as amended was then approved.

Mr. Sprague gave notice that, on to-morrow or at an early day thereafter, he will ask leave to introduce a bill for an Act amendatory of an Act entitled an Act concerning Public Ferries and Toll Bridges, passed May 15, 1854.

Mr. Hall asked leave of absence for Mr. May for one day.

Granted.

Mr. Crenshaw asked leave of absence for Mr. Heintzelman for one day.

Granted.

Mr. Sprague gave notice that on Monday next, or at an early day thereafter, he will ask leave to introduce a bill amendatory of an Act entitled an Act concerning Courts of Justice of this State, and Judicial Officers, passed May 19, 1853.

Mr. Tuttle submitted the following:

*Resolved*, That the Sergeant-at-Arms be directed to order two numbers of the California Farmer for each member of the Senate.

Adopted.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly, on yesterday, concur-





Doorkeeper,	-	-	-	-	-	-	-	-	-	12 00
Pages, each,	-	-	-	-	-	-	-	-	-	8 00
Porters, each,	-	-	-	-	-	-	-	-	-	12 00
Extra Clerks, (when authorized by the Senate and actually employed,)	-	-	-	-	-	-	-	-	-	12 00
Chaplains of Senate,	-	-	-	-	-	-	-	-	-	12 00

Your Committee further respectfully recommend that the above scale of per diem of officers of the Senate be fixed by law.

D. MAHONEY,  
Chairman of Committee.

CHAS. A. TUTTLE,  
W. H. McCOUN.

Mr. Whiting moved that the report be laid upon the table.

Upon which Messrs. Tuttle, French and Stebbins demanded the ayes and noes with the following result :

#### AYES.

Messrs. Burton, Colby, Day, French, Gove, Hall, Hawks, Hawthorne, Lippincott, McFarland, McGarry, McNeil, Norman, Peck, Rust, Scellen, Stebbins, Tuttle and Whiting—19.

#### NOES.

Messrs. Crenshaw, Kendall, Mahoney, Mandeville, McCoun, Moore and Sprague—7.

Mr. Tuttle moved that the Senate re-consider the vote laying the report upon the table.

Lost.

Mr. Gove gave notice that, on Monday next or immediately thereafter, he will ask leave to introduce a bill to Fund the Scrip of Sacramento County.

Mr. McFarland gave notice that, at an early day he will introduce a bill amendatory of an Act defining the time for commencing Civil Actions, passed April 22, 1852.

Mr. Whiting submitted the following:

*Resolved*, That the Sergeant-at-Arms of the Senate be instructed to procure a lamp to be erected in front or at the south-east corner of the Capitol.

Adopted.

The President laid before the Senate the following communication from the Secretary of State:

*To the Hon. the Senate and Assembly of the State of California :*

The undersigned would respectfully report that, in obedience to the requirements of law, contracts have been entered into for the furnishing of the Legis-

lature with stationery, fuel and lights during the continuance of the present session.

Messrs. Lord & Webb of San Francisco, have contracted to furnish all kinds of stationery at fixed prices, at such times and in such quantities as may be required, delivered according to the orders of the Secretary of State, and for this purpose they have entered into bond and security for the faithful performance of the contract.

Under this contract all the stationery delivered to the members and officers of the Legislature, has been furnished and will continue to be furnished as it may be required.

Contracts have been made with Messrs. Dyer & Prescott of Sacramento, to furnish Anthracite coal as it may be required.

Contracts have also been made with Mr. Jeremiah Beam to furnish wood, and with Messrs. Howard & Co., to furnish lamp oil and candles. As all these articles will be furnished when required, and the quantity cannot now be known, it is impossible at this time to send in the vouchers. Every article, however, that can properly be required for the use of the Legislature has been provided for and will be furnished at any time from this office, on the application of the proper officer of either House.

A hot air furnace having been provided for heating the capitol building, Mr. Snyder was employed to attend to it until the two Houses should take some action on the subject, as it was thought that it would not properly come under the control of either House, independent of the other.

J. W. DENVER,

Secretary of State.

SACRAMENTO CITY, January 12, 1855.

On motion of Mr. Crenshaw, the communication was referred to the Committee on Public Expenditures.

The President laid before the Senate the following communication from the Secretary of State:

*To the Hon. the Senate of the State of California:*

In obedience to a resolution adopted by you on the 10th inst., requesting me to send in certified copies of all papers on file in this office, by which corporations have been organized under the laws of this State, for running stages or navigating the waters of this State by steam, I have the honor herewith to transmit the same.

J. W. DENVER,

Secretary of State.

SACRAMENTO CITY, January 12, 1855.

On motion of Mr. Sprague, the communication together with the accompanying documents was referred to the Committee on Corporations.

Mr. Moore submitted the following:

*Resolved*, That the Controller of State be requested to furnish to the Senate, at his early convenience, a statement of the present deficiency in appropriations for State Printing to cover audited accounts for the same.

Adopted.

The hour of 12 o'clock, M., having arrived, the Senate, in Committee of the Whole, proceeded to the consideration of the special order—Assembly bill No. 3, entitled an Act requiring the Controller to Audit certain Bills of the Members and Officers of the present Legislature.

And, after some time spent therein, on motion of Mr. French the Committee rose and reported the bill to the Senate.

Mr. Whiting submitted the following amendment:

SEC. 3. The Treasurer is hereby authorized to transfer all moneys now in the Sinking Fund not required to meet the principal and interest on outstanding bonds falling due on or before the first day of March, A. D., 1855, to the General Fund.

SEC. 4. From and after the first day of March, A. D., 1855, it shall be the duty of the Treasurer to reserve from the General Fund a sufficient amount to meet the interest falling due semi-annually thereafter, until the first day of March, 1859; and that he shall then set apart from the General Fund a sufficient amount to meet any principal or interest that may become due subsequent to the first day of March, 1859; *provided, however*, that if at any time after the funds mentioned in section third of this Act shall have been removed from the Interest Fund to the General Fund, there shall accrue a sufficient amount to meet the outstanding liabilities of this State upon seven per cent. bonds as the principal or interest shall become due; the same shall be paid out of such fund and not from the General Fund; *and, provided also*, that whatever amount may accrue in the Interest Fund, if sufficient thereof should not accrue to meet the whole principal and interest, shall be first applied to the payment of principal and interest as aforesaid, before any deficiency shall be drawn from the General Fund.

Mr. Leake moved that the bill and amendment be referred to the Judiciary Committee.

Lost.

Mr. Peck moved that the bill be laid upon the table and made a special order for Tuesday next.

Agreed to.

Mr. Rust submitted the following report:

*Mr. President:*

The Committee on Mileage report the following as the number of miles by the nearest mail route from the residence of each Senator to the place where the session of the Legislature is held, and returning therefrom:

	Miles.
Messrs. Burton, - - - - -	140
Colby, - - - - -	12
Crenshaw, - - - - -	140
Day, - - - - -	304
De La Guerra, - - - - -	1180
Flint, - - - - -	280
French, - - - - -	56
Gove, - - - - -	—
Hall, - - - - -	124



Messrs. Hawks,	-	-	-	-	-	-	-	280
Hawthorne,	-	-	-	-	-	-	-	70
Heintzelman,	-	-	-	-	-	-	-	400
Hook,	-	-	-	-	-	-	-	112
Keene,	-	-	-	-	-	-	-	124
Kendall,	-	-	-	-	-	-	-	250
Leake,	-	-	-	-	-	-	-	130
Lippincott,	-	-	-	-	-	-	-	210
Mahoney,	-	-	-	-	-	-	-	280
Mandeville,	-	-	-	-	-	-	-	250
May,	-	-	-	-	-	-	-	530
McCoun,	-	-	-	-	-	-	-	320
McFarland,	-	-	-	-	-	-	-	1392
McGarry,	-	-	-	-	-	-	-	260
McNeil,	-	-	-	-	-	-	-	270
Moore,	-	-	-	-	-	-	-	280
Norman,	-	-	-	-	-	-	-	180
Peck,	-	-	-	-	-	-	-	300
Rust,	-	-	-	-	-	-	-	40
Scellen,	-	-	-	-	-	-	-	280
Sprague,	-	-	-	-	-	-	-	450
Stebbins,	-	-	-	-	-	-	-	170
Tuttle,	-	-	-	-	-	-	-	134
Whiting,	-	-	-	-	-	-	-	640

P. C. RUST,  
Chairman.

Mr. Hawthorne moved that the words "140 miles," being the number of miles estimated by the Committee by the nearest mail route from the residence of Mr. Hawthorne to Sacramento and back, be stricken out, and that the words "seventy miles" be inserted.

Agreed to.

On motion of Mr. Peck, the report was adopted.

Mr. Peck moved that the Senate adjourn.

Lost.

Mr. Mandeville moved that the Senate re-consider the vote laying upon the table Assembly bill No. 3, entitled an Act requiring the Controller to Audit certain Bills of the Members and Officers of the present Legislature.

Agreed to.

Mr. Whiting withdrew his amendments to the bill.

Mr. Lippincott moved that the subject be laid upon the table and made a special order for Tuesday next.

Mr. Tuttle raised a question of order, that a motion to lay upon the table had just been re-considered by the Senate, and no business had since intervened.

The point of order was sustained by the President, (Mr. Stebbins being in the chair.)

Mr. Sprague moved that the further consideration of the bill be postponed until Tuesday next.

Upon which Messrs. Sprague, Tuttle and French demanded the ayes and noes with the following result:

AYES.

Messrs Colby, Crenshaw, Gove, Lippincott, McNeil, Moore, Scellen, Sprague, Stebbins and Whiting—10

## NOES.

Messrs. Burton, Day, French, Hawthorne, Hook, Kendall, Leake, Mandeville, McFarland, McGarry, Norman, Rust and Tuttle—13. ,

So the motion to postpone was lost.

Mr. Colby moved to amend by inserting after the word "Legislature" in the second clause, the following :

And the salaries of officers of State and clerks in the Executive Department.

Mr. Crenshaw moved to amend the amendment by adding, "and the various Judges of the District Courts and the Supreme Court, to the extent of \$1,000 each.

Upon which Messrs. Sprague, Moore and Lippincott demanded the ayes and noes with the following result:

## AYES.

Messrs. Burton, Colby, Crenshaw, Day, French, Gove, Hawthorne, Kendall, Lippincott, McGarry, McNeil, Moore, Norman, Rust, Scellen, Sprague and Stebbins—17.

## NOES.

Messrs. Hook, Leake, Mandeville, McFarland, Tuttle and Whiting—6.

So the amendment to the amendment was carried.

Mr. Kendall moved to add "the Governor and State officers."

Agreed to.

The question being then on the adoption of the amendment as amended, the ayes and noes were demanded by Messrs. Sprague, Lippincott and McGarry, and it was lost by the following vote:

## AYES.

Messrs. Colby, Crenshaw, Day, Kendall, Lippincott, McNeil, Moore and Sprague—8.

## NOES.

Messrs. Burton, French, Gove, Hawthorne, Hook, Leake, Mandeville, McFarland, McGarry, Norman, Rust, Scellen, Stebbins, Tuttle and Whiting—15.

Mr. Mandeville moved that the bill be read a third time.

Mr. Moore moved a call of the Senate.

Lost.

Mr. Sprague moved that the Senate adjourn.

Upon which the ayes and noes were demanded by Messrs. Sprague, Whiting and Lippincott with the following result:

## AYES.

Messrs. Colby, Day, Lippincott, McNeil, Moore, Sprague and Whiting—7.

## NOES.

Messrs. Burton, Crenshaw, French, Gove, Hawthorne, Hook, Kendall, Leake, Mandeville, McFarland, McGarry, Norman, Rust, Scellen, Stebbins and Tuttle—16.

Mr. Sprague moved that the bill be referred to the Committee on Finance.

Lost.

Mr. Mandeville moved the previous question.

Mr. Sprague moved a call of the Senate.

Lost.

The question being then, "Shall the main question be now put?"

Messrs. McNeil, Day and Sprague demanded the ayes and noes with the following result:

## AYES.

Messrs. Burton, Colby, Crenshaw, French, Hawthorne, Hook, Leake, Mandeville, McGarry, Norman, Rust, Scellen, Stebbins and Tuttle—14.

## NOES.

Messrs. Day, Gove, Kendall, Lippincott, McFarland, McNeill, Moore, Sprague and Whiting—9.

So the previous question was sustained.

Mr. Moore moved that the bill be re-committed to the Committee of the Whole with instructions to strike out \$1,000 and insert \$500.

Mr. Tuttle rose to a point of order, that the previous question having been sustained, the motion to re-commit was not in order.

The President ruled that the point of order was well taken.

Mr. Moore appealed from the decision of the President,

Upon which Messrs. Moore, Sprague and Rust demanded the ayes and noes with the following result:

## AYES.

Messrs. French, Hook, Kendall, Leake, Mandeville, McFarland, McGarry, Norman, Rust, Scellen and Tuttle—11.

## NOES.

Messrs. Burton, Colby, Crenshaw, Day, Gove, Hawthorne, Lippincott, McNeil, Moore, Sprague and Whiting—11.

The President (Mr. Stebbins being in the chair) ruled that the decision of the Chair was sustained as the judgment of the Senate.

Upon which Mr. Sprague appealed from the decision of the President.

The question being then, "Shall the decision of the Chair be sustained as the judgment of the Senate?"

Messrs. Sprague, Whiting and Moore demanded the ayes and noes with the following result :

AYES.

Messrs. Burton, Crenshaw, Day, French, Gove, Hawthorne, Hook, Kendall, Leake, Mandeville, McFarland, McGarry, McNeill, Norman, Rust, Scellen, Stebbins, Tuttle and Whiting—18.

NOES.

Messrs. Colby, Lippincott, Moore and Sprague—4.

So the decision of the Chair was sustained.

The bill was read a third time, and the question being then upon its final passage,

Messrs. Sprague, McFarland and Moore demanded the ayes and noes with the following result :

AYES.

Messrs. Burton, Colby, Crenshaw, French, Hawthorne, Hook, Leake, Mandeville, McGarry, Norman, Rust, Scellen, Stebbins, Tuttle—14.

NOES.

Messrs. Day, Gove, Kendall, Lippincott, McFarland, McNeil, Moore, Sprague and Whiting—9.

So the bill passed.

The question being then, "Shall the title of the bill stand?"

Mr. Sprague moved to strike out the title and insert the following:

An Act making the Members and Officers of the Legislature of 1855 Preferred Creditors of the State.

Mr. Burton moved to amend by inserting the words "Porters and Pages." Accepted.

The question being then on the adoption of the substitute to the title as amended,

Messrs. Moore, Sprague and Hawthorne demanded the ayes and noes with the following result:

AYES.

Messrs. McNeil, Moore, Sprague and Whiting—4.

NOES.

Messrs. Burton, Colby, Crenshaw, Day, French, Gove, Hawthorne, Hook, Kendall, Leake, Lippincott, Mandeville, McGarry, Norman, Scellen, Stebbins and Tuttle—17.

So the substitute was lost.

The question being then, "Shall the title of the bill stand?"



Carried.

Mr. Whiting gave notice that on Tuesday next he will introduce a bill embracing the objects sought to be gained by his amendments offered to the Assembly bill just passed, and which amendments have been withdrawn.

On motion of Mr. Mandeville, the Senate adjourned till Monday morning at 11 o'clock.

## IN SENATE.

MONDAY, January 15, 1855.

The Senate met pursuant to adjournment.

President in the Chair.

Prayer by the Rev. Mr. Crouch.

The Journal of Saturday was read and approved.

Mr. Keene asked leave of absence for Mr. Rust for two days.

Granted.

Mr. Mandeville submitted the following joint resolutions, concerning the claim of G. W. Keeler and L. G. Chapman against the United States, for property purchased by Indian Commissioners for the use of Indians.

*Resolved.* By the Senate and Assembly of California, that our Senators be instructed and our Representatives requested to urge upon Congress the assumption of a debt incurred by the United States Indian Commissioners with George W. Keeler and L. G. Chapman.

*Resolved.* That his Excellency, the Governor, be requested to furnish a copy of the above resolution to our Senators and Representatives in Congress.

Read first and second time, and, on motion of Mr. Mandeville, referred to the Committee on Indian affairs.

Mr. McGarry gave notice that, at an early day, he would introduce a bill for An Act to prevent Fraud in the sale of Flour.

Leave being granted, Mr. Keene introduced a bill entitled An Act to create a Board of Supervisors in those Counties in this State where no such Board now exists, and to define their Duties and Powers.

Read a first and second time and referred to the Judiciary Committee.

Mr. Kendall submitted the following resolutions :

*Resolved.* By the Senate, (the Assembly concurring) that a Committee of three from each House be appointed, to examine the bonds and Controllor's warrants redeemed by the State Treasurer, and all records, accounts and vouchers pertaining to the same, and, if the redemption has been made according to law, to destroy said bonds and warrants.

*Resolved*, That said Committee report to the Legislature so soon as they have performed the duties contemplated by these resolutions.

*Resolved*, That the President of the Senate appoint the members of the Committee on the part of the Senate, and the Speaker of the House on the part of the Assembly.

The resolutions were adopted.

The President appointed Messrs. Scellen and Flint as such Committee on the part of the Senate.

Leave being granted, Mr. Hall introduced a bill entitled an Act to authorize the Governor to issue Patents.

Read a first and second time, and, on motion of Mr. Hall, referred to the Judiciary Committee.

Mr. Whiting submitted the following resolutions :

*Resolved*, That the Standing Committees in the Senate be arranged in the following groups, and that each group be entitled to one clerk, to be appointed by the Chairman of said Committee :

1st. The Judiciary Committee, Finance, and Committee on Claims—one clerk.

2d. The Committees on Corporations, Mines and Mining Districts, Escheated Estates, Library, and Internal Improvements—one clerk.

3d. The Committees on Public Lands, Indian Affairs, Elections, Roads and Highways, Enrolled Bills, Public Morals and Police, Education and State Prisons—one clerk.

4th. The Committees on Commerce and Navigation, Public Expenditures, Federal Relations, Hospitals, Counties and County Boundaries, Contingent Expenses, Agriculture, and Public Printing—one clerk.

Mr. Tuttle moved to strike out from the resolutions the word "Chairman," and insert in lieu thereof the word "members."

Mr. McFarland moved that the resolutions be laid upon the table.

Agreed to.

Mr. McFarland submitted the following :

*Resolved*, By the Senate, (the Assembly concurring) That the two Houses adjourn *sine die* on Monday, the second day of April next.

Mr. Whiting moved to strike out from the resolution the words "on Monday, the second day of April next," and insert in lieu thereof the words "on the fourth Monday of March next."

Mr. French moved that the resolution be laid on the table, and made a special order for Monday next, the 22d inst.

Agreed to.

Leave being granted, Mr. Hawthorne introduced a bill entitled An Act to amend an Act entitled "An Act defining the time for Commencing Civil Actions."

Read first and second time, and, on motion of Mr. Hawthorne, made a special order for to-morrow, at 12 o'clock, M.

Mr. Colby moved that the Senate re-consider the vote taken on Saturday last on the passage of Assembly bill No. 3, entitled an Act requiring the Controller to audit certain Bills of the Members and Officers of the present Legislature.

Mr. Mandeville moved to lay the motion to re-consider upon the table.

Mr. Tuttle moved that the motion to re-consider be indefinitely postponed, upon which Messrs. Moore, Colby and McGarry demanded the ayes and noes, with the following result :

AYES.

Messrs. Burton, Crenshaw, Flint, French, Hall, Hawthorne, Heintzelman, Hook, Keene, Leake, Mandeville, McGarry, Norman, Seellen, Stebbins, Tuttle—16.

NOES.

Messrs. Colby, Day, Gove, Kendall, Lippincott, May, McFarland, McNeil, Moore, Sprague, Whiting—11.

So the motion to re-consider was indefinitely postponed.

The President laid before the Senate the following communication from the Governor:

STATE OF CALIFORNIA,  
EXECUTIVE DEPARTMENT,  
SACRAMENTO, Jan. 15, 1855. }

*To the Senate and Assembly of California :*

I have the honor herewith to transmit a copy of the annual report of the Superintendent of Public Instruction. The suggestions and recommendations therein contained are regarded as important, and, it is presumed, will materially aid you in legislating for the cause of education.

JOHN BIGLER.

Mr. Sprague moved that the report be referred to the Committee on Education, and that 4,000 copies be ordered printed.

Agreed to.

Mr. Tuttle gave notice that he would introduce a bill for an Act to repeal an Act entitled an Act to provide for the Establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick in this State.

Also, a bill for an Act entitled an Act to amend an Act entitled an Act concerning Passengers arriving in Ports of the State of California.

Mr. Sprague gave notice that, on to-morrow, he would ask leave to introduce a bill for an Act to authorize the Governor to appoint and issue Commissions to persons as Commissioners to a World's Fair, to be holden in Paris.

Mr. Sprague submitted the following resolution :

*Resolved*, That the Sergeant-at-Arms be requested to report to the Senate, at his earliest convenience, what arrangements, if any, he has made with Express companies, for the transmission of letters and documents for Senators, under the resolution heretofore passed by the Senate.

Adopted.

Mr. Hall gave notice that, on Wednesday next, he would introduce a bill to provide for the Survey of a Route or Routes for the Establishment of an Emigrant Wagon Road from the Sacramento Valley to the Eastern Boundary of this State.

On motion of Mr. Stebbins, the Senate adjourned.

## IN SENATE.

TUESDAY, January 16, 1855.

Senate met pursuant to adjournment.

President in the Chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

The President laid before the Senate the following communication from the Sergeant-at-Arms :

*To the Hon. the Senate of the State of California :*

In accordance with a resolution, passed by you on the 15th inst., requiring me to report the arrangements entered into with Express companies for transporting letters, documents, &c., I beg leave to report that Wells, Fargo & Co. and Adams & Co. have agreed to Express all such matter at U. S. Government prices, except in the remote parts of the State, where there is little or no mail facilities. In such case, they agree to charge a reasonable compensation. I would also state that the Postmaster of this city will forward or deliver all mail matter sent to or from the Senate, provided he can receive the postage, in cash, at the end of each month.

All of which is respectfully submitted.

JOHN T. KNOX,  
Sergeant-at-Arms.

SACRAMENTO CITY, Jan. 16, 1855.

Mr. McCoun gave notice that, at an early day, he would introduce a bill for An Act concerning Unclaimed Deposits with Bankers and Brokers, prescribing the Mode and Manner of ascertaining the same, and the disposition to be made thereof.

Mr. Burton gave notice that, at an early day, he would introduce a bill concerning Water Ditches.

Mr. Hook submitted the following :

*Resolved*, By the Senate, (the Assembly concurring) that one copy of all bills ordered printed by either House, shall be delivered to each member of the Senate and Assembly, and to such reporters as are entitled to receive copies of printed bills.

Adopted.

Leave being granted, Mr. Sprague introduced a bill entitled an Act to authorize the Governor of this State to appoint Commissioners to the World's Industrial Exhibition, to be holden at Paris, in the year 1855.

Read first time.

On motion of Mr. Sprague, the rules were suspended, and the bill read a second and third time, and passed.



The President laid before the Senate the following communication from the State Controller :

OFFICE CONTROLLER OF STATE, }  
SACRAMENTO, Jan. 5, 1855. }

*To the Hon. the President of the Senate :*

Sir :

In accordance with Senate resolution requesting me "to furnish to the Senate a statement of the present deficiency in appropriations for the State Printing, to cover audited accounts for the same," I have the honor to submit the following audited printing accounts, for which there is no appropriation :

Due George Kerr & Co.,	-	-	-	-	\$27,377 22
Due B. B. Redding,	-	-	-	-	33,461 98
					<hr/> \$60,839 20

SAM. BELL,  
Controller of State.

On motion of Mr. Sprague, the communication was referred to the Committee on Printing, with instructions to report at an early day by bill.

Mr. Colby submitted the following :

*Mr. President :*

The Committee on Engrossed Bills have examined and find correctly engrossed, Senate joint resolution in relation to erecting light houses at Trinidad and Crescent City.

G. W. COLBY,  
Chairman.

Mr. Peck submitted the following :

*Resolved*, That the Sergeant-at-Arms of the Senate be authorized and empowered to receive and receipt to the Controller of State for the mileage and per diem of Senators.

*Adopted*.

The hour of 12 o'clock, M., having arrived, the Senate, in Committee of the Whole, proceeded to the consideration of the special order—Senate bill No. 13—entitled an Act to amend an Act entitled an Act defining the time for commencing Civil Actions.

After some time spent therein, on motion of Mr. Crenshaw, the Committee rose, reported progress, and were discharged from the further consideration of the bill.

On motion of Mr. Burton, the bill was referred to the Judiciary Committee.

The following message was received from the Assembly :

January 15th, 1855.

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on Saturday, the 13th inst., Senate bill No. 1, an Act to change the name of the South Yuba Mining and Sacramento Canal Company, to Nevada County and Sacramento Canal Company.

Also, Assembly bill No. 26, an Act to authorize and require the County Judge of Trinity County to fill the present Vacancy in the Office of County Treasurer, and Vacancies in other offices in said County.

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 26, entitled an Act to authorize and require the County Judge of Trinity County to fill the present Vacancy in the Office of County Treasurer, and Vacancies in other Offices in said County, was taken up.

Read first and second time, and, on motion of Mr. Burton, referred to the Judiciary Committee.

Mr. Keene moved that a select Committee of five be appointed, with instructions to provide suitable Committee rooms for the Standing Committees of the Senate.

The motion was agreed to.

The President appointed Messrs Keene, Mandeville, Scellen, Lippincott and Norman as such Committee.

Mr. Moore gave notice that, at an early day, he would introduce a bill Granting the Right of cutting a Channel from the Head of the Slough at Alviso, in Santa Clara County, into the River Guadaloupe.

Mr. Lippincott gave notice that, at an early day, he would introduce a bill to divide the Tenth Judicial District.

Mr. Sprague submitted the following :

*Resolved*, That in any Joint Convention of the Senate and Assembly, during the present session of the Legislature, the Senate reserves to itself the right, at any time, to withdraw from such Convention.

Mr. Tuttle offered the following amendment :

*“ And further, Resolved*, That no person shall be declared elected United States Senator, who does not receive a majority of the votes of the Senate—a quorum of that body being present—and a majority of the votes of the House—a quorum of that body being present.

Mr. Burton moved to lay the resolution and amendment on the table.

Mr. Mandeville raised a question of order—that the subject matter contained in the resolutions had already been indefinitely postponed by the Senate, and that it could not be again considered.

The point of order was overruled by the President (Mr. Hall).

The motion to lay the resolution and amendment upon the table was agreed to.

On motion of Mr. McGarry, the Senate adjourned.

## IN SENATE.

WEDNESDAY, January 17, 1855.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Cronch.

The Journal of yesterday was read and approved.

Mr. Hook submitted the following :

*Mr. President :*

The Committee on Indian Affairs, to whom was referred Senate joint resolution concerning the claims of George W. Keeler and L. G. Chapman against the United States, for property furnished the United States Indian Commissioners, for use of Indians, have had the same under consideration, and respectfully report them back to the Senate, and recommend their passage.

On motion of Mr. Mandeville, the report was concurred in, and the resolutions were read a third time and passed.

Mr. Colby presented the following :

*Mr. President :*

The Committee on Engrossment have examined, and find correctly engrossed, An Act to change the name of the South Yuba Mining and Sacramento Canal Company, to Nevada County and Sacramento Canal Company."

G. W. COLBY,

Chairman.

Mr. Keene submitted the following :

*Mr. President :*

The select Committee appointed to provide Committee rooms for the use of the Senate Committees, report that they find, upon examination, that no arrangement can be made without the concurrent action of the Assembly. Therefore, your Committee would offer the following resolution, and ask its adoption :

B. F. KEENE.

*Resolved*, By the Senate, (the Assembly concurring) that a select Committee of three from each House be appointed, to provide Committee rooms for the Standing Committees of the Senate and Assembly.

On motion of Mr. McGarry, the report was adopted.

The President appointed Messrs. Keene, Tuttle and Moore as such Committee on the part of the Senate.

Leave being granted, Mr. Mandeville introduced a bill entitled an Act providing for the Payment of Officers holding Elections, and for transmitting the Returns thereof.

On motion of Mr. Mandeville, the bill was read a second time and referred to the Committee on Elections.

Leave being granted, Mr. Stebbins introduced a bill entitled an Act to change the name of Caroline L. Ketcham to that of Caroline L. Pixley.

Read first and second time, and, on motion of Mr. Whiting, referred to the Judiciary Committee.

The hour of 12 o'clock, M., having arrived, Mr. Crenshaw moved that the Secretary of the Senate be directed to inform the Assembly that the Senate are now ready to meet the Assembly in Joint Convention.

Agreed to.

The following message was received from the Assembly, through their Clerk.

*Mr. President :*

I am directed to inform the Senate that the Assembly have taken a recess of fifteen minutes, to prepare to meet the Senate in Joint Convention.

Mr. Peck moved that the Senate take a recess for fifteen minutes.

Agreed to.

At the expiration of that time the Senate re-assembled, and were called to order by the President.

The following message was received from the Assembly, through their Clerk.

*Mr. President :*

I am directed to inform the Senate that the Assembly are now ready to meet the Senate in Joint Convention.

Mr. McGarry moved a call of the Senate.

Agreed to.

The roll being called, the following Senators were found absent without leave :

Messrs. Colby, Crenshaw, Day, Lippincott, Mahoney and Peck.

On motion, further proceedings under the call were suspended.

The Senate then repaired to the Assembly chamber to meet the Assembly in Joint Convention.



## IN CONVENTION.

The two Houses met, in the Hall of the Assembly, to elect a Senator of the United States, to succeed the Hon. William M. Gwin, whose term of office will expire on the 4th day of March, 1855.

The Secretary of the Senate called the roll of Senators, when it was found that the following Senators were absent without leave :

Messrs. Crenshaw, Mahoney and Peck.

The President appointed Mr. Sprague as teller on the part of the Senate, and the Speaker appointed Mr. Dana on the part of the Assembly.

Mr. Flint, of the Senate, withdrew the name of James A. McDougal as a candidate for the office of United States Senator.

Mr. McFarland submitted the following resolution :

*Whereas*, It is due to the State of California, as far as she is represented in the Senate, that each Senator should be present and give expression to the wishes of the people whom he represents ; *and, whereas*, the Hon. David Mahoney, Senator from the County of San Francisco, is prevented from attending the Convention by serious illness, so serious that bad consequences might follow from an effort to attend, thereby depriving a large portion of the people of the State of a voice in the Convention,

*Resolved*, Therefore, that a Committee of three be appointed to receive in writing the vote of the Hon. David Mahoney, and report the same to this Convention, and that the vote thus received be counted in the ballot taken for the election of a United States Senator.

The resolution was adopted.

Messrs. Crenshaw and McFarland were appointed such Committee on the part of the Senate, and Mr. Ashley on the part of the Assembly.

Mr. French moved that the Committee be discharged from the duty devolved upon them by the resolution.

The President ruled the motion out of order.

Mr. Whiting submitted the following :

*Resolved*, That the Convention now adjourn until 12 o'clock on Friday next.

Lost.

The Convention then, on motion of Mr. Keene, proceeded to vote for United States Senator.

Those who voted for William M. Gwin were Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Clayton, Coombs, Cook, Cunningham of El Dorado, Cuning-

ham of Sierra, Foster, Galvin, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quin, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for D. C. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Ashley, Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Phillip L. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughy, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. Jos. W. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Cammet, Gaver, Geller, Jones, Rogers, Ryland, Sherrard, Stewart and Wells, of the Assembly.

Those who voted for Mr. James A. McDougal were Mr. McFarland, of the Senate, and

Mr. Buffum, of the Assembly.

Mr. Edwards, of the Assembly, voted for Mr. F. Billings.

Mr. Ferrell, of the Assembly, voted for Mr. Solomon Heydenfeldt.

Mr. Gaylord, of the Assembly, voted for Mr. Frank Soule.

Mr. Phelps, of the Assembly, voted for Mr. R. T. Sprague.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Gwin received forty-two votes.

Mr. Broderick received twelve votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received fourteen votes.

Mr. McDougal received two votes.

Mr. Billings received one vote.

Mr. Heydenfeldt received one vote.

Mr. Soule received one vote.

Mr. Sprague received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to ballot a second time for United States Senator.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Clayton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Secllen, of the Senate, and

Messrs. Andrews, Arrington, Ackison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglass, Doughty, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Buffum, Cammet, Flournoy, Galvin, Gaver, Geller, Jones Ryland, Sherrard, Stewart and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Mr. Edwards, of the Assembly, voted for Tod Robinson.

Mr. Ferrell, of the Assembly, voted for Mr. Heydenfeldt.

Mr. Gaylord, of the Assembly, voted for Mr. Soule.

Mr. Phelps, of the Assembly, voted for Mr. Sprague.

Mr. Rodgers, of the Assembly, voted for Mr. Halleck.

Whole number of votes cast, one hundred and eleven.

Necessary to a choice, fifty-six.

Mr. Gwin received forty-one votes.

Mr. Broderick received eleven votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received seventeen votes.

Mr. McDougal received one vote.

Mr. Robinson received one vote.

Mr. Heydenfeldt received one vote.

Mr. Soule received one vote.

Mr. Sprague received one vote.

Mr. Halleck received one vote.

Mr. Oxley submitted the following :

*Resolved*, By the Senate and Assembly of the State of California, in Convention, that, from and after this time, when the respective Clerks of the Senate and Assembly call the roll, each member, in announcing his vote, be required to rise in his seat, and pronounce, in an audible voice, the name of the gentleman for whom he votes for the office of United States Senator.

Adopted.

No person having received a majority of all the votes cast, the Convention then proceeded to ballot a third time for United States Senator.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Beatty, Baker, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Clayton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Flournoy, Foster, Graves, Johnson of El Dorado, Johnston of San

Francisco, Kinney, McCutchan, McConnell, Palmer, Quin, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Watkins and Wells, of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Kuox, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Galvin, Gaver, Geller, Jones, Sherrard and Stewart, of the Assembly.

Those who voted for Mr. Heydenfeldt were—Messrs. Ferrell and Ryland, of the Assembly.

Mr. Edwards, of the Assembly, voted for Mr. J. B. Cooke.

Messrs. Buffum and Gaylord, of the Assembly, voted for Mr. Frank Soule.

Mr. Phelps, of the Assembly, voted for Mr. R. T. Sprague.

Mr. Rogers, of the Assembly, voted for Mr. H. W. Halleck.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Whole number of votes cast, one hundred and eleven.

Necessary to a choice, fifty-six

Mr. Gwin received forty-three votes.

Mr. Broderick received eleven votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received thirteen votes.

Mr. Heydenfeldt received two votes.

Mr. Soule received two votes.

Mr. J. B. Cook received one vote.

Mr. Sprague received one vote.

Mr. Halleck received one vote.

Mr. McDougal received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to ballot a fourth time for United States Senator.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Anyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Clayton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quin, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.



Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Hunt, and Knox, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust and Stebbins, of the Senate, and

Messrs. Cammet, Flournoy, Galvin, Gaver, Geller, Jones, Ryland, Stewart and Wells, of the Assembly.

Those who voted for Mr. Sprague were—Mr. Tuttle, of the Senate, and Mr. Phelps, of the Assembly.

Those who voted for Mr. E. C. Marshall were—Messrs. Buffum and Sherrard of the Assembly.

Those who voted for Mr. Soule were—Messrs. Doughty, Edwards and Gaylord, of the Assembly.

Mr. McFarland, of the Senate voted for Mr. McDougal.

Those who voted for Mr. Heydenfeldt were—Messrs. Ashley and Ferrell, of the Assembly.

Mr. Rodgers, of the Assembly, voted for Mr. Halleck.

Mr. Rowe, of the Assembly, voted for Mr. O. B. Smith.

Whole number of votes cast, one hundred and eleven.

Necessary to a choice, fifty-six.

Mr. Gwin received forty-one votes.

Mr. Broderick received eleven votes.

Mr. Edwards received thirty-four votes.

Mr. McCorkle received thirteen votes.

Mr. Marshall received two votes.

Mr. Soule received three votes.

Mr. Heydenfeldt received two votes.

Mr. Sprague received two votes.

Mr. McDougal received one vote.

Mr. Halleck received one vote.

Mr. Smith received one vote.

No person received a majority of all the votes cast.

Mr. Mandeville moved that the Convention adjourn till to-morrow, at twelve o'clock, upon which Messrs. Sprague, Peck and Mandeville demanded the ayes and noes, with the following result :

#### AYES.

Messrs. Burton, Flint, Hall, Hawthorne, Kendall, Lippincott, Mandeville, May

McCoun, McGarry, Moore, Peck, Rust, Scellen, Sprague, Stebbins, Tuttle and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Baker, Brewton, Brown of Contra Costa, Buffum, Burke, Clayton, Covarrubias, Dana, Douglas, Flournoy, Foster, Ferguson, Gaver, Geller, Gober, Graves, Gragg, Hosmer, Hunt, Jones, Kinney, Knox, Lincoln, McCutchan, Mellus, Meredith, Moreland, Oxley, Palmer, Phelps, Rodgers, Stevens, Stevenson, Sherrard, Smith of El Dorado, Smith of Marin, Stewart, Updegraff, Vineyard, Waite, Wells, Whitney and Mr. Speaker, of the Assembly.

#### NOES.

Messrs. Colby, Crenshaw, Day, French, Gove, Hawks, Heintzelman, Hook, Keene, Leake, McFarland, McNeil and Norman, of the Senate, and

Messrs. Amyx, Ashley, Bates, Beatty, Bogardus, Boles, Brown of Nevada, Cory, Chase, Coombs, Cook, Cunningham of Sierra, Curtis, Doughty, Edwards, Farley, Farwell, Ferrell, Galvin, Johnson of El Dorado, Johnston of San Francisco, McConnell, Murdock, Quin, Rowe, Ryland, Singley, Taliaferro, Taylor and Watkins, of the Assembly.

So the Convention adjourned till to-morrow at twelve o'clock.

The Senate returned to their chamber, and, on motion of Mr. McGarry, the Senate adjourned.

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#### IN SENATE.

THURSDAY, January 18, 1855.

Senate met pursuant to adjournment.

President in the Chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Leave being granted, Mr. Tuttle introduced a bill entitled an Act to repeal an Act entitled an Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick of this State.

Read a first and second time, and, on motion of Mr. Keene, referred to the Committee on Hospitals.

Leave being granted, Mr. McCoun introduced a bill entitled an Act to Fund the Debt of Contra Costa County, and to provide for the payment of the same.

Read a first and second time, and, on motion of Mr. Burton, referred to the Delegation from Contra Costa County.

Mr. Crenshaw moved to take from the table the resolution authorizing the appointment of Committee Clerks.

Agreed to.

Mr. French moved to strike out from the resolution the words "to be appointed by the Chairmen of said Committees" and insert "to be elected by the Senate."

Mr. Tuttle raised a point of order, that the question before the Senate was upon the amendment pending on the 13th instant, when the resolution was laid upon the table, to strike out the word "Chairmen" and insert the word "members."

The point was sustained.

Mr. Keene moved to lay the resolution upon the table.

Agreed to.

Mr. Sprague moved to take from the table the report of the Committee appointed to fix the per diem compensation of officers of the Senate.

Agreed to.

Mr. Sprague moved to amend the report by striking out "fifteen dollars," the per diem pay allotted to the Secretary and Sergeant-at-Arms of the Senate, and inserting "seventeen dollars."

Agreed to.

Mr. Peck moved to lay the report upon the table.

Lost.

Mr. Moore moved to further amend by striking out "twelve dollars," the per diem pay allowed to the Enrolling Clerk, and inserting "fifteen dollars."

Mr. Sprague moved that the report be laid upon the table.

Agreed to.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Senate concurrent resolution appointing a Committee of three to examine the Bonds and Controller's Warrants redeemed by the State Treasurer, was, on yesterday, concurred in by the Assembly, and that Messrs. Wells, Oxley and Cory have been appointed the Committee on behalf of the House.

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Kendall gave notice that, on to-morrow, he will introduce a bill to amend an Act entitled an Act to provide for the permanent location of the Seats of Justice of the several Counties of this State.

Mr. Keene submitted the following:

*Resolved*, That the Judiciary Committee be directed to inquire into the expediency of declaring by law mining claims to be personal property, and of amending existing laws in conformity therewith, and report to this House, by bill or otherwise, at an early day.

Adopted.

Mr. Whiting gave notice that, at an early day, he will introduce a bill for an Act amendatory of an Act entitled an Act creating a Board of Commissioners and the office of Overseer in each Township of the several Counties of this

State, to regulate Water Courses within their respective limits, passed May 15, 1854.

Mr. Heintzelman gave notice that, on to-morrow, he will introduce a bill appropriating moneys for the purchase of Desks and Cases for the State Library, and Records and Archives of State.

Mr. Sprague gave notice that, on to-morrow, he will introduce for an Act to repeal an Act to amend an Act concerning the per diem of Officers of the Senate and Assembly, passed January 4, 1854, passed May, 15, 1854, and to re-instate and re-enact the per diem of Officers of the Senate and Assembly, passed February 4, 1854.

Mr. Burton moved that the Secretary be directed to inform the Assembly that the Senate are now ready to meet the Assembly in Joint Convention.

Agreed to.

Mr. French moved that the Committee on Public Expenditures be discharged from the further consideration of that portion of the Governor's Message which was referred to said Committee, and that the same be referred to the Judiciary Committee.

Agreed to.

The following message was received from the Assembly through their Clerk:

*Mr. President :*

I am directed to inform the Senate that the Assembly are now ready to meet the Senate in Joint Convention.

J. M. ANDERSON,

Clerk of Assembly.

The Senate then repaired to the Assembly Chamber.

### IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the balloting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Messrs. De La Guerra and Mahoney were absent.

Mr. McFarland, of the Senate, presented the following report:

The Committee appointed to wait upon the Hon. D Mahoney and receive his vote in writing, beg leave to report that they have performed the duty assigned them, and herewith transmit to the Convention his communication in writing.

McFARLAND,

Chairman.

CRENSHAW.



To Messrs. McFarland, Crenshaw and Ashley,

*Committee on behalf of the Joint Convention:*

Gentlemen:

You are hereby authorized to cast my vote on every ballot for D. C. Broderick for United States Senator from the 4th of March next.

Respectfully yours,

D. MAHONEY.

SACRAMENTO, January 18, 1855.

Mr. Kinney moved to lay the report upon the table.

Agreed to.

Mr. Arrington submitted the following:

*Resolved, whereas,* The seat of Mr. Galvin is now being contested before the bar of the Assembly: *and, whereas,* it is deemed inexpedient, if not improper, to proceed with the election of a United States Senator until the said contest shall have been finally settled; therefore,

*Resolved,* That the Assembly do now withdraw from the Joint Convention until the definite settlement of the contested seat at present occupied by Mr. Galvin.

Lost.

The Convention then proceeded to take the fifth ballot for United States Senator:

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Clayton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins of the Assembly.

Those who voted for Mr. D. C. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting of the Senate, and  
Messrs. Chase, Covarrubias, Hunt and Knox of the Assembly.

Those who voted for Mr. Philip L. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland of the Senate, and

Messrs. Buffum and Cammet of the Assembly.

Those who voted for Mr. McCorkle, were—Messrs. Flint, May, Rust, Stebbins and Tuttle of the Senate, and

Messrs. Ashley, Flournoy, Galvin, Gaver, Geller, Jones, Rodgers, Ryland, Sherrard, Stewart and Wells of the Assembly.

Mr. Edwards, of the Assembly, voted for Mr. E. P. Fletcher.

Mr. Ferrell, of the Assembly, voted for Mr. Solomon Heydenfeldt.

Mr. Gaylord, of the Assembly, voted for Mr. Frank Soule.

Mr. Phelps, of the Assembly, voted for Mr. R. T. Sprague.

Whole number of votes cast, one hundred and twelve.

Necessary to a choice, fifty-seven.

Mr. Gwin received forty-one votes.

Mr. Broderick received twelve votes.

Mr. Edwards received thirty-six votes.

Mr. McDougal received three votes.

Mr. McCorkle received sixteen votes.

Mr. Fletcher received one vote.

Mr. Heydenfeldt received one vote.

Mr. Soule received one vote.

Mr. Sprague received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the sixth ballot.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Clayton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglass, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Mr. Buffum, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Galvin, Gaver, Geller, Jones, Rodgers, Ryland, Sherrard, Stewart and Wells, of the Assembly.

Messrs. Doughty and Gaylord, of the Assembly, voted for Mr. Soule.

Mr. Edwards, of the Assembly, voted for Mr. Crabb.

Mr. Ferrell, of the Assembly, voted for Mr. Howard.

Mr. Phelps, of the Assembly, voted for Mr. Sprague.

Whole number of votes cast, one hundred and twelve.

Necessary to a choice, fifty-seven.

Mr. Gwin received forty votes.

Mr. Broderick received twelve votes.

Mr. Edwards received thirty-six votes.

Mr. McDougal received two votes.

Mr. McCorkle received seventeen votes.

Mr. Soule received two votes.

Mr. Crabb received one vote.

Mr. Howard received one vote.

Mr. Sprague received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the seventh ballot.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Clayton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quin, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Kuox, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peek and Seellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. James A. McDougal were Mr. McFarland, of the Senate, and

Mr. Buffum, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Galvin, Gaver, Geller, Jones, Rodgers, Ryland, Sherrard, Stewart and Welis, of the Assembly.

Mr. Gaylord, of the Assembly, voted for Mr. Soule.

Mr. Edwards, of the Assembly, voted for Mr. J. N. Johnson.

Mr. Ferrell, of the Assembly, voted for Mr. Howard.

Mr. Phelps, of the Assembly, voted for Mr. R. T. Sprague.

Whole number of votes cast, one hundred and twelve.

Necessary to a choice, fifty-seven.

Mr. Gwin received forty votes.  
Mr. Broderick received twelve votes.  
Mr. Edwards received thirty-seven votes.  
Mr. McDougal received two votes.  
Mr. McCorkle received seventeen votes.  
Mr. Soule received one vote.  
Mr. J. N. Johnson received one vote.  
Mr. Sprague received one vote.  
Mr. Howard received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the eighth ballot.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Clayton, Coombs, Cook, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quin, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt, and Knox, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and,

Mr. Buffum, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Galvin, Gaver, Geller, Jones, Rodgers, Rowe, Ryland, Sherrard, Stewart and Wells, of the Assembly.

Mr. Edwards, of the Assembly, voted for G. P. Singley.  
Mr. Ferrell, of the Assembly, voted for Mr. Howard.  
Mr. Gaylord, of the Assembly, voted for Mr. Soule.  
Mr. Graves, of the Assembly, voted for Mr. Halleck.  
Mr. Phelps, of the Assembly, voted for Mr. Sprague.

Whole number of votes cast, one hundred and eleven.  
Necessary to a choice, fifty-six.

Mr. Gwin received thirty-eight votes.  
Mr. Broderick received twelve votes.  
Mr. Edwards received thirty-six votes.



Mr. McDougal received two votes.  
 Mr. McCorkle received eighteen votes.  
 Mr. Singley received one vote.  
 Mr. Howard received one vote.  
 Mr. Halleck received one vote.  
 Mr. Sprague received one vote.  
 Mr. Soule received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the ninth ballot.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Anyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Clayton, Coombs, Cook, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lipincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Seellen, of the Senate, and

Messrs. Andrews, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Buffum, Cammet, Flournoy, Galvin, Gaver, Geller, Jones, Rodgers, Ryland, Sherrard, Stewart and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.  
 Mr. Adkison, of the Assembly, voted for R. N. Wood.  
 Mr. Doughty, of the Assembly, voted for Mr. Peyton.  
 Mr. Edwards, of the Assembly, voted for Mr. Upson.  
 Mr. Ferrell, of the Assembly, voted for Mr. Howard.  
 Mr. Gaylord, of the Assembly, voted for G. W. Colburn.  
 Mr. Phelps, of the Assembly, voted for R. T. Sprague.

Whole number of votes cast, one hundred and ten.  
 Necessary to a choice, fifty-six.

Mr. Gwin received forty votes.  
 Mr. Broderick received twelve votes.  
 Mr. Edwards received thirty-three votes.  
 Mr. McCorkle received eighteen votes.  
 Mr. McDougal received one vote.  
 Mr. Wood received one vote.  
 Mr. Peyton received one vote.

Mr. Howard received one vote.  
Mr. Colburn received one vote.  
Mr. Sprague received one vote.  
Mr. Upson received one vote.

Mr. Rodgers moved that the Convention adjourn till to-morrow at 12 o'clock  
M.

Agreed to.

The Senate returned to their Chamber, and,  
On motion of Mr. Stebbins, the Senate adjourned.

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## IN SENATE.

FRIDAY, January 19, 1855.

Senate met pursuant adjournment.

The President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. Gove presented the following:

*Mr. President :*

Your Committee on Elections to whom was referred a bill providing for the payment of officers holding elections, and for transmitting the returns thereof to the County Seat, report in favor of its passage.

A. S. GOVE,  
W. A. McCOUN,  
G. W. HOOK.

Adopted.

Mr. Keene moved that the usual number of copies of Senate bill No. 10, be ordered printed.

Agreed to.

Mr. Sprague presented the following:

*Mr. President :*

The Judiciary Committee to whom was referred Senate bill No. 15, for an Act to change the name of Caroline L. Ketchum to that of Caroline L. Pixley,

have had the same under consideration and ask leave to report the same back to the Senate without amendment, and recommend its passage.

R. T. SPRAGUE,  
Chairman.

Concurred in.

On motion of Mr. Stebbins, Senate bill No. 15, entitled an Act to change the name of Caroline L. Ketchum to Caroline L. Pixley, was read a third time and passed.

Mr. Lippincott presented the following:

*Mr. President :*

The Committee to whom was referred the communication of the State Controller on the subject of printing accounts for which there is no appropriation, recommend the passage of the accompanying bill.

C. E. LIPPINCOTT,  
W. B. NORMAN,  
E. J. MOORE,

Adopted.

On motion, Senate bill No. 19, entitled an Act appropriating \$100,000 to meet deficiencies in State Printing, was read a second time by sections and re-committed to the Committee on Printing.

Mr. Norman presented the following:

*Mr. President :*

The Committee on Enrolled Bills have examined and find correctly enrolled the following Act, viz:

An Act to change the name of the South Yuba Mining and Sacramento Canal Company to Nevada County and Sacramento Canal Company.

W. B. NORMAN,  
Chairman.

Mr. Norman presented the following:

*Mr. President :*

The Joint Committee on Enrolled Bills have examined and find correctly enrolled an Act requiring the Controller to Audit certain Bills of the Members and Officers of the present Legislature.

W. B. NORMAN,  
Chairman.

Mr. McCoun, from the Delegation from Contra Costa County to whom was referred Senate bill No. 19, entitled an Act to Fund the Debt of Contra Costa

County, and to provide for the payment of the same, reported that they had considered the bill, and asked leave to report it back to the Senate and recommend its passage.

The report was concurred in.

On motion of Mr. Day, the bill was referred to the Committee on Counties and County Boundaries.

Leave being granted, Mr. Sprague introduced a bill entitled an Act to repeal an Act entitled an Act to amend an Act concerning the per diem of Officers of the Senate and Assembly, passed January 21, 1854, passed May 15, 1854, and to re-instate and re-enact an Act concerning the per diem of Officers of the Senate and Assembly, passed February 4, 1854.

Read a first, second and third time by sections, and,

On motion of Mr. Peck, the bill was re-considered, and,

On motion of Mr. Moore, it was laid upon the table.

Mr. McFarland presented the following:

*Resolved*, That the Secretary of the Senate be required to ascertain from the Board of Trustees of the State Marine Hospital the cause of the delay in making their annual report to the Legislature, as prescribed by law.

Adopted.

Leave being granted, Mr. Mandeville introduced a bill entitled an Act amendatory of an Act concerning Roads and Highways.

Read a first and second time and referred to the Committee on Roads and Highways.

Leave being granted, Mr. Heintzelman introduced a bill entitled an Act to provide suitable Cases, Desks and Furniture for the State Archives and State Library.

Read a first and second time and referred to Committee on State Library.

Mr. Flint submitted the following preamble and resolutions:

*Whereas*, The people of the State of California are deeply interested in the establishment of an Overland Mail from the Atlantic States to the Pacific Coast; *and, whereas*, the project of establishing the same is known to be entirely practicable, over which mail service may be performed with ease and dispatch; therefore, in view of the benefits to accrue therefrom, not only to the people of the State of California but to the country at large,

*Resolved*, (by the Senate and Assembly of the State of California) That our Senators be instructed and our Representatives in Congress be requested to urge upon the proper Departments of the General Government the importance and entire practicability of establishing an Overland Mail to the Pacific Coast.

*Resolved*, That his Excellency the Governor be requested to transmit copies of the foregoing resolutions to each of our Senators and Representatives in Congress.

Read a first and second time and,

On motion of Mr. Mandeville, referred to the Committee on Federal Relations.

Leave being granted, Mr. McCoun introduced a bill entitled an Act to create a Board of Supervisors for the Counties of Contra Costa, Sierra and Yuba, and to define their Duties and Powers.

Read a first and second time, and,



On motion of Mr. McGarry, referred to the Judiciary Committee.

Mr. Heintzelman gave notice that he would, on to-morrow or at an early day as possible thereafter, introduce a bill to amend an Act entitled an Act concerning Roads and Highways, passed April 1, 1851.

Mr. Keene submitted the following:

*Resolved*, (by the Senate, the Assembly concurring) That the Secretary of the Senate and Clerk of the Assembly be, and they are hereby, directed to order the State Printer to furnish such number of printed lists of the Senate and Assembly as may be necessary in taking the votes of the Joint Convention.

Adopted.

Leave being granted, Mr. Kendall introduced a bill entitled an Act to provide for the permanent location of the Seats of Justice of the several Counties of this State, passed April 11, 1850; passed May 13, 1850.

Read a first and second time by sections.

Mr. Sprague moved to strike out the word "altered" and insert the word "amended."

Agreed to.

Mr. Day moved to insert after the word "same" in the fifteenth line, the words "which shall not be less than thirty days after the giving of said notice."

Agreed to.

Mr. Colby moved that the bill be referred to the Judiciary Committee.

Agreed to.

On motion, the Secretary of the Senate was directed to inform the Assembly that the Senate are now ready to meet the Assembly in Joint Convention.

Mr. Peck moved that the Senate take a recess for fifteen minutes.

Agreed to.

At the expiration of that time the Senate re-assembled.

The following message was received from the Assembly through their Clerk:

*Mr. President :*

I am directed to inform the Senate that the Assembly are now ready to meet the Senate in Joint Convention.

J. M. ANDERSON,

Clerk of Assembly.

The Senate then repaired to the Assembly Chamber.

## IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the balloting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Messrs. Crenshaw, Day, De La Guerra, Mahoney and Hook were absent.

The President laid before the Convention the following communication:

SACRAMENTO CITY, January 19, 1855.

*Mr. President :*

I desire you to state to the Joint Convention, assembled for the purpose of electing a United States Senator, that I am prevented from attending its sessions by severe indisposition, and that if present I would vote for Wm. M. Gwin every time.

Yours, respectfully,

W. T. CUNNINGHAM,  
Of El Dorado.

Messrs. Foster, Stevenson and Johnston.

Mr. May submitted the following:

*Resolved*, That when the Convention adjourns it do so to meet on next Tuesday at 12 o'clock, M.

Lost.

Mr. Johnston, of the Assembly, submitted the following:

*Whereas*, Mr. Cunningham, of El Dorado, a member of the Assembly of this State, is prevented by sickness from attendance at this Convention; *and, whereas*, That gentleman has designated in a written communication addressed to the members of this body, the name of the candidate for whom his vote would be cast in the pending Senatorial Election, if he were present; therefore,

*Resolved*, That the Clerk of the Assembly be instructed to enter upon the record after each roll call, that "Mr. Cunningham, of El Dorado, is absent from his place in this Convention on account of sickness, and, if present, would have voted for Wm. M. Gwin."

Mr. Douglas moved that the resolution be laid upon the table.

Upon which Messrs. Stebbins, Douglas and Johnston demanded the ayes and noes with the following result:

AYES.

Messrs. Heintzelman, Mandeville, Stebbins and Tuttle, of the Senate, and

Messrs. Adkison, Bates, Burke, Cory, Douglas, Ferrell, Ferguson, Gaver, Graves, Moreland, Murdock, Oxley, Rowe, Taliaferro and Watkins, of the Assembly.

#### NOES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Hook, Keene, Kendall, Lippincott, May, McCoun, McFarland, McGarry, McNeil, Moore, Norman, Peck, Rust, Seellen, Sprague and Whiting, of the Senate, and

Messrs. Andrews, Amyx, Arrington, Ashley, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Cammet, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of Sierra, Curtis, Dana, Doughty, Farley, Flournoy, Foster, Galvin, Gaylord, Geller, Gober, Gragg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, McConnell, Mellus, Meredith, Palmer, Phelps, Quinn, Rogers, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taylor, Updegraff, Vineyard, Waite, Wells, Whitney and Mr. Speaker, of the Assembly.

So the motion was lost.

Mr. Whiting moved that the Convention rescind the resolution adopted on the 17th instant, appointing a Committee to receive the vote of the Hon. D. Mahoney in writing.

Agreed to.

Mr. Johnston withdrew his preamble and resolution directing the Clerk to record the vote of Mr. Cunningham.

Mr. Mandeville moved that the communications transmitted to the Convention by Mr. Mahoney, of the Senate, and Mr. Cunningham, of the Assembly, be entered upon the Journals.

Agreed to.

Mr. Murdock moved that the Convention adjourn.

Upon which the ayes and noes were demanded with the following result:

#### AYES.

Messrs. Hall, Hawks, May, McCoun, McGarry, Peck, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Arrington, Ashley, Adkison, Cory, Clayton, Curtis, Douglas, Farley, Farwell, Flournoy, Ferguson, Gaver, Gaylord, Geller, Lincoln, Mellus, Meredith, Moreland, Oxley, Phelps, Sherrard, Smith of Marin and Waite, of the Assembly—23.

#### NOES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, French, Gove, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, Mandeville, McFarland, McNeil, Moore, Norman, Seellen, Sprague and Whiting, of the Senate, and

Messrs. Andrews, Amyx, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Chase, Coombs, Cook, Covarrubias, Cunningham of Sierra, Dana, Doughty, Ferrell, Foster, Galvin, Gober, Graves,

Gragg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, McCutchan, McConnell, Murdock, Palmer, Quinn, Rodgers, Rowe, Ryland, Smith of El Dorado, Stevens, Stevenson, Singley, Taliaferro, Updegraff, Vineyard, Watkins, Wells, Whiting and Mr. Speaker, of the Assembly—52.

So the Convention refused to adjourn.

The Convention then proceeded to take the tenth ballot for United States Senator.

Those who voted for Mr. D. C. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Burke, Clayton, Coombs, Cook, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Philip L. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Mr. Ferrell, of the Assembly.

Those who voted for Mr. McCorkle, were—Messrs. Flint, May, Rust, Stebbins and Tuttle of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Galvin, Gaver, Geller, Jones, Rodgers, Ryland, Sherrard, Stewart and Wells, of the Assembly.

Mr. Brown of Nevada, of the Assembly, voted for Mr. Herbert.

Mr. Buffum, of the Assembly, voted for P. B. Reading.

Mr. Doughty, of the Assembly, voted for W. C. Ferrell.

Mr. Edwards, of the Assembly, voted for Mr. Soule.

Mr. Phelps, of the Assembly, voted for J. W. Coffroth.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Broderick received eleven votes.

Mr. Gwin received thirty-nine votes.

Mr. Edwards received thirty-six votes.

Mr. McDougal received two votes.



Mr. McCorkle received seventeen votes  
 Mr. Soule received one vote.  
 Mr. Reading received one vote.  
 Mr. Ferrell received one vote.  
 Mr. Coffroth received one vote.  
 Mr. Herbert received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the eleventh ballot.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and  
 Messrs. Chase, Covarrubias, Geller, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Clayton, Coombs, Cook, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate; and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Galvin, Gaver, Jones, Rodgers, Ryland, Stewart and Wells of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.  
 Mr. Brown of Nevada, of the Assembly, voted for Mr. Herbert.  
 Mr. Buffum, of the Assembly, voted for P. B. Reading.  
 Mr. Edwards, of the Assembly, voted for Col. Ferrell.  
 Mr. Ferrell, of the Assembly, voted for M. S. Latham.  
 Mr. Phelps, of the Assembly, voted for J. W. Coffroth.

Whole number of votes cast, one hundred and ten.  
 Necessary to a choice, fifty-six.

Mr. Broderick received twelve votes.  
 Mr. Gwin received thirty-eight votes.  
 Mr. Edwards received thirty-nine votes.  
 Mr. McCorkle received fifteen votes.  
 Mr. McDougal received one vote.  
 Mr. Herbert received one vote.  
 Mr. Reading received one vote.  
 Mr. Ferrell received one vote.

Mr. Latham received one vote.

Mr. Coffroth received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the twelfth ballot.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Buffum, Chase, Covarrubias, Geller, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Clayton, Coombs, Cook, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Grogg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. James A. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Galvin and Ryland, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Gaver, Jones, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Mr. Doughty, of the Assembly, voted for W. C. Ferrell.

Mr. Edwards, of the Assembly, voted for W. C. Martin.

Mr. Ferrell, of the Assembly, voted for M. S. Latham.

Mr. Phelps, of the Assembly, voted for Sherman Day.

Whole number of votes cast, one hundred and nine.

Necessary to a choice, fifty-five.

Mr. Broderick received thirteen votes.

Mr. Gwin received forty votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received thirteen votes.

Mr. McDougal received three votes.

Mr. Ferrell received one vote.

Mr. Martin received one vote.

Mr. Latham received one vote.

Mr. S. Day received one vote.

Mr. Colby presented the following:

*Resolved*, That during the future sittings of this Convention the ayes and noes shall not be called unless the call for the same be seconded by a majority of the members rising and remaining until counted.

On motion of Mr. Beatty, it was laid upon the table.

Mr. Rowe offered the following:

*Resolved*, That when this Convention adjourn it adjourn *sine die*.

Laid upon the table.

Mr. Farwell moved that the Convention adjourn until Monday next at 12 o'clock.

Mr. Flournoy moved to amend by inserting "until to-morrow."

Lost.

Mr. Day submitted the following:

*Resolved*, That whenever any Senator or member of the Assembly may be prevented by sickness, or other unavoidable cause, from attending the sittings of the Joint Convention, such absent Senator or member of the Assembly may communicate his preference for United States Senator by letter, which letter shall be entered upon the Journals of the Convention, but such expression of preference shall not be counted as a valid vote.

Laid upon the table.

Mr. Updegraff moved that the Convention adjourn till Monday next at 12 o'clock.

Upon which the ayes and noes were demanded, with the following result:

#### AYES.

Messrs. Burton, Crenshaw, Flint, Hall, Hawks, Hawthorne, Lippincott, May, McCoun, McFarland, McGarry, Peck, Rust, Seellen, Sprague, Stebbins, Tuttle and Whiting, of the Senate, and

Messrs. Andrews, Amyx, Arrington, Adkison, Brown of Contra Costa, Cory, Doughty, Farley, Farwell, Flournoy, Ferguson, Gaver, Gaylord, Geller, Graves, Gragg, Hosmer, Jones, Keys, Knox, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Ryland, Sherrard, Updegraff and Mr. Speaker, of the Assembly—49.

#### NOES.

Messrs. Colby, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil, Moore and Norman, of the Senate, and

Messrs. Ashley, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Ferrell, Foster, Galvin, Gober, Hunt, Johnson of El Dorado, Johnston of San Francisco, Kinney, Lincoln, McCutchan, McConnell, Quinn, Rodgers, Rowe, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Watkins, Wells and Whitney, of the Assembly—57.

No person having received a majority of all the votes cast on the twelfth ballot, the Convention then proceeded to take the thirteenth ballot.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Geller, Hunt, Knox and Sherrard, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Clayton, Coombs, Cook, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and,

Messrs. Buffum, Galvin and Ryland, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Gaver, Jones, Rodgers, Stewart and Wells, of the Assembly.

Messrs. Doughty and Ferrell, of the Assembly, voted for M. S. Latham.

Mr. Edwards, of the Assembly, voted for Col. Ferrell.

Mr. Phelps, of the Assembly, voted for Sherman Day.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Broderick received thirteen votes.

Mr. Gwin received forty votes.

Mr. Edwards received thirty-five votes.

Mr. McCorkle received twelve votes.

Mr. McDougal received four votes.

Mr. Latham received one vote.

Mr. Ferrell received one vote.

Mr. Day received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the fourteenth ballot.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and



Messrs. Chase, Covarrubias, Geller, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McNeil, Norman and Stebbins, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Clayton, Coombs, Cook, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Seellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gregg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Buffum and Galvin, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Jones, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Messrs. Doughty, Ferrell and Gaver, of the Assembly, voted for Mr. Latham. Mr. Edwards, of the Assembly, voted for E. Stanley.

Messrs. Phelps and Ryland, of the Assembly, voted for Sherman Day.

Whole number of votes cast, one hundred and nine.

Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.

Mr. Gwin received forty-two votes.

Mr. Edwards received thirty-five votes.

Mr. McCorkle received eleven votes.

Mr. McDougal received three votes.

Mr. Latham received three votes.

Mr. Stanley received one vote.

Mr. Day received two votes.

No person having received a majority of all the votes cast, the Convention then proceeded to take the fifteenth ballot.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lipincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Buffum, Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Clayton, Coombs, Cook, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn,

Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Updegraff, Waite, Whitney, and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Galvin and Ryland, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, Stebbins, and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Gaver, Gaylord, Geller, Jones, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Mr. Burke, of the Assembly, voted for Capt. Sutter.

Messrs. Doughty and Ferrell, of the Assembly, voted for Mr. Latham.

Mr. Edwards, of the Assembly, voted for Ed. Trask, of Trinity.

Mr. Phelps, of the Assembly, voted for Sherman Day.

Whole number of votes cast, one hundred and six.

Necessary to a choice, fifty-four.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-nine votes.

Mr. Edwards received thirty-three votes.

Mr. McCorkle received fourteen votes.

Mr. McDougal received three votes.

Mr. Latham received two votes.

Mr. Ed. Trask received one vote.

Capt. Sutter received one vote.

Mr. Day received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the sixteenth ballot.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Geller, Hunt, and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Clayton, Coombs, Cook, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McGarry and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Sherard, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Buffum, Galvin and Phelps, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Gaver, Jones, Rodgers, Ryland, Stewart and Wells, of the Assembly.

Mr. Burke, of the Assembly, voted for Capt. Sutter.

Messrs. Doughty and Ferrell, of the Assembly, voted for M. S. Latham.

Mr. Edwards, of the Assembly, voted for J. M. Howell.

Whole number of votes cast, one hundred and five.

Necessary to a choice, fifty-three.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-nine votes.

Mr. Edwards received thirty-four votes.

Mr. McCorkle received twelve votes.

Mr. McDougal received four votes.

Mr. Latham received two votes.

Mr. Howell received one vote.

Capt. Sutter received one vote.

On motion of Mr. Oxley, the Convention adjourned till to-morrow at 12 o'clock.

The Senate returned to their Chamber, and,

On motion of Mr. Mandeville, the Senate adjourned.

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[NOTE BY THE STATE PRINTER.—Where the report of the proceedings of the Joint Convention varies from the report made by the Clerk of the Assembly, both Journals have been submitted to the Clerk and Secretary for their revision. In all cases the copy has been strictly followed.]

## IN SENATE.

SATURDAY, January 20, 1855.

Senate met pursuant adjournment.

The President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Sprague submitted the following:

*Mr. President :*

The Judiciary Committee to whom was referred Assembly bill No. 26, for an Act to authorize and require the County Judge of Trinity County to fill the present vacancy in the Office of County Treasurer, and vacancies in other Offices in said County, ask leave to report the same back to the Senate with a substitute, and recommend the adoption and passage of the substitute.

R. T. SPRAGUE,  
Chairman.

Adopted.

The substitute reported by the Judiciary Committee to Assembly bill No. 26, was read a first and second time by sections, and,

On motion of Mr. Sprague, the Rules were suspended and the bill was read a third time and passed.

Mr. Kendall submitted the following:

*Mr. President :*

Your Committee to whom was referred Senate bill No. 21, entitled an Act to provide suitable Cases, Desks and Furniture for the State Archives and State Library, report the same back, and recommend its passage.

T. KENDALL,  
Chairman Com. on Library.

Mr. Sprague moved to amend Senate bill No. 21, by striking out the word "shall" in the sixth line, second section, and inserting the word "may."

Agreed to.

Mr. Keene moved to further amend by striking out the word "any moneys in the Treasury not otherwise appropriated" in the second section, and inserting the words "the Library Fund."

Agreed to.

Mr. Keene moved that the bill be laid upon the table.

Agreed to.



Mr. Sprague submitted the following:

*Mr. President :*

The Judiciary Committee to whom was referred Senate bill No. 18, for an Act amendatory of an Act to provide for the permanent location of the Seats of Justice of the several Courts of this State, passed April 11, 1850, passed May 13, 1854, have had the same under consideration, and instructed me to report the bill back with sundry amendments thereto, and recommend its passage amended as proposed.

R. T. SPRAGUE,  
Chairman.

Concurréd in.

On motion of Mr. Keene, the Rules were suspended and the bill was considered engrossed, read a third time and passed.

Mr. Norman presented the following:

*Mr. President :*

The Joint Committee on Enrolled Bills report that they have this day presented to the Governor, for his approval, the following:

An Act to change the name of the South Yuba Mining and Sacramento Canal Company to Nevada County and Sacramento Canal Company.

An Act requiring the Controller to Audit certain Bills of the Members and Officers of the present Legislature.

W. B. NORMAN,  
Chairman.

Mr. Tuttle presented the following:

*Mr. President :*

The Committee on Federal Relations to whom was referred Senate joint resolution relative to an Overland Mail from California to the Atlantic States, beg leave to report the same back to the Senate, and recommend its passage.

CHAS. A. TUTTLE,  
Chairman.

WILSON FLINT,  
W. B. MAY.

On motion of Mr. Keene, the report was laid upon the table.

Leave being granted, Mr. Whiting introduced a bill entitled an Act to amend section first of an Act creating a Board of Commissioners and the Office of Overseer in each Township of the several Counties of this State, to regulate Water Courses within their respective limits, passed May 15, 1854.

Read a first and second time, and

Mr. Whiting moved that the bill be considered engrossed and read a third time.

Lost.

On motion of Mr. Sprague, the bill was referred to the Senator from Santa Cruz.

Mr. Leake presented the following report:

*Mr. President :*

The Committee on Counties and County Boundaries to whom was referred Senate bill No. 17, report the same back to the Senate, without amendment, and recommend its passage.

CHAS. A. LEAKE,  
Chairman.

Adopted.

Senate bill No. 17, was read a first and second time by its title, and,

On motion, the Rules were suspended and the bill was read a third time and passed.

Mr. Whiting submitted the following :

*Resolved*, That the Judiciary Committee of the Senate be authorized to employ a Clerk for said Committee.

Mr. Moore moved to amend by adding the following:

“ And the Committee on Finance and Claims to employ a Clerk for the joint use of said Committees.

Mr. McFarland moved that the subject be laid upon the table.  
Lost.

Mr. Whiting offered the following substitute:

*Resolved*, That the Judiciary Committee of the Senate be authorized to employ a Clerk for the use of said Committee for such portion of the time as said Committee may need his services, and no longer.

Mr. Moore moved to lay the substitute upon the table.

Upon which Messrs. Moore, Stebbins and Peck demanded the ayes and noes with the following result:

AYES.

Messrs. French, Gove, Hall, McFarland, Moore and Stebbins—6.

NOES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, Mandeville, May, McCoun, McGarry, McNeil, Norman, Peck, Scellen, Rust, Sprague, Tuttle and Whiting—25.

The substitute was adopted.

Mr. Moore moved to amend the substitute by adding:

"And the Committees on Finance and Claims to employ a Clerk for the joint use of said Committees."

Mr. Kendall submitted the following amendment to the amendment :

*Resolved*, That the Committees of the Senate which are entitled to have Clerks be divided into the following classes, and that the Chairmen of the Committees of each class shall choose the Clerk:

First. Judiciary Committee—one Clerk.

Second.	Finance Committee,	}	One Clerk.
	Indian Affairs "		
	Enrollment "		
	Con. Expenses "		
	Education "		
	Pub. Morals and Police Com.		
	Roads and Highways,		

Third.	Corporations,	}	One Clerk.
	Mines and Mining Districts,		
	Escheated Estates,		
	State Library,		
	Internal Improvements,		
	Commerce and Navigation,		
	State Prison,		

Fourth.	Federal Relations,	}	One Clerk.
	Public Lands,		
	Public Expenditures,		
	Agriculture,		
	Hospitals,		
	Counties and County Boundaries,		
	Printing,		
	Military Affairs,		
	Engrossments,		
	Mileage, Claims and Elections,		

Mr. Kendall moved that the subject be laid on the table and made a special order for Monday next at 12 o'clock.

Mr. Whiting moved to amend by striking out "Monday" and inserting "Wednesday."

Mr. Sprague moved that the subject be laid upon the table.

Agreed to.

Mr. Hawks gave notice that, at an early day, he will introduce a bill for an Act amendatory of and supplementary to an Act entitled an Act concerning Escheated Estates, passed May 4, 1852.

The President laid before the Senate the following communication from the State Controller:

OFFICE OF CONTROLLER OF STATE, }  
Sacramento, Jan. 19, 1855. }

*To the Hon. the President of the Senate :*

Sir :—

In compliance with Senate resolution of the 10th inst., requesting the Controller to furnish to the Senate a statement of the Civil Expenditures of the State Government for the current fiscal year, which have and probably will accrue from the first day of February, 1854, to the first day of February, 1855, and to meet which no appropriations have been or are made, etc., I have the honor to submit the enclosed.

The amounts contained in the statement for the contingent expenses of the Land Commission, Supreme Court, Treasurer's Office, Secretary of State's Office, Attorney General's Office, Surveyor General's Office, Quartermaster General's Office, and the Office of the Superintendent of Public Instruction, were furnished this office by the heads of those Departments.

I have the honor to be,  
Very respectfully,  
Your obedient servant,

SAM. BELL,  
Controller of State.

*Statement of Deficiency from February first, 1854, to February first, 1855.*

Per diem of Senate including Lieut. Governor,	-	-	-	\$12,772 00
Per diem of Assembly,	-	-	-	29,260 00
Mileage of Senate including Lieut. Governor,	-	-	-	4,100 00
Mileage of Assembly,	-	-	-	5,000 00
Pay of Officers and Clerks of Senate,	-	-	-	8,000 00
Pay of Officers and Clerks of Assembly,	-	-	-	8,000 00
Transportation of Prisoners,	-	-	-	15,000 00
Transportation of Insane,	-	-	-	1,200 00
State Printing and Advertisements,	-	-	-	70,000 00
Contingents of last Legislature,	-	-	-	10,300 00
“ Land Commissioners,	-	-	-	35,000 00
“ Supreme Court,	-	-	-	11,825 00
“ Controller's Office,	-	-	-	3,000 00
“ Treasurer's Office,	-	-	-	2,850 00
“ Secretary of State's Office,	-	-	-	1,900 00
“ Attorney General's Office,	-	-	-	2,400 00
“ Superintendent of Public Instruction's Office,	-	-	-	2,850 00
“ Surveyor General's Office,	-	-	-	50 00
“ Quartermaster General's Office,	-	-	-	150 00
Fees of Counsel employed by the State,	-	-	-	1,000 00
Costs of suit in cases when the State was a party,	-	-	-	600 00
Total,	-	-	-	\$225,257 00

Referred to the Committee on Finance and the usual number of copies ordered printed.



Mr. Peck moved that the Senate take a recess for five minutes.  
Agreed to.

At the expiration of that time the Senate re-assembled.

The following message was received from the Assembly through their Clerk :

*Mr. President :*

I am directed to inform the Senate that the Assembly are now ready to receive the Senate in Joint Convention.

J. M. ANDERSON,

Clerk of Assembly.

The Senate then repaired to the Assembly Chamber.

### IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the balloting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Messrs. De La Guerra, Mahoney and Whiting were absent.

The Convention then proceed to take the seventeenth vote.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Coombs, Cook, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Buffum, Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Gaver, Geller, Jones, Rodgers, Ryland, Sherrard, Stewart and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Messrs. Doughty, Ferrell and Graves, of the Assembly, voted for M. S. Latham.

Mr. Phelps, of the Assembly, voted for J. W. Coffroth.

Whole number of votes cast, one hundred and six.

Necessary to a choice, fifty-four.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-nine votes.

Mr. Edwards received thirty-five votes.

Mr. McCorkle received fifteen votes.

Mr. Latham received three votes.

Mr. McDougal received one vote.

Mr. Coffroth received one vote.

Mr. Flint moved that the Convention adjourn until Tuesday next, the 23d inst., at 12 o'clock.

Upon which the ayes and noes were demanded, with the following result:

#### AYES.

Messrs. Burton, Day, Flint, Hall, Hawks, Hawthorne, Lippincott, May, McCoun, McFarland, McGarry, McNeil, Moore, Peck, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Burke, Cammet, Chase, Coombs, Covarrubias, Curtis, Dana, Doughty, Edwards, Farley, Farwell, Ferrell, Flournoy, Ferguson, Galvin, Geller, Graves, Hosmer, Hunt, Jones, Kinney, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Stewart, Updegraff, Waite, Wells, Whitney and Mr. Speaker, of the Assembly—64.

#### NOES.

Messrs. Colby, Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Cory, Cook, Cunningham of Sierra, Douglas, Foster, Gaylord, Gober, Gragg, Johnson of El Dorado, Johnston of San Francisco, Keys, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Taylor, Vineyard and Watkins, of the Assembly—43

So the Convention adjourned.

The Senate returned to their Chamber, and,

On motion of Mr. McFarland, the Senate adjourned till Monday morning at 11 o'clock.

## IN SENATE.

MONDAY, January 22, 1855.

The Senate met pursuant to adjournment.

Mr. Sprague, the President *pro tem.*, in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of Saturday was read and,

On motion of Mr. Leake, the same was ammended by inserting the word "report" in the sentence announcing the presentation of a report by Mr. Leake.

On motion of Mr. Tuttle, the Journal was further amended by substituting the word "vote" for the word "ballot" in the proceedings of the Joint Convention.

Mr. Stebbins asked leave of absence for Mr. Flint for one day.

Granted.

Mr. Crenshaw asked leave of absence for Mr. Whiting for one day.

Granted.

Mr. Heintzelman asked leave of absence for Messrs. McNeil and Hawks for one day.

Granted.

Mr. Tuttle presented a petition praying for the passage of a law for the suppression of gambling houses and houses of ill-fame.

Referred to the Committee on Public Morals and Police.

Mr. Lippincott presented the following report:

*Mr. President:*

The Committee on State Printing to whom was referred Senate bill No 19, appropriating \$100,000 to meet deficiencies in State Printing, respectfully report that, upon examination, they find the amount of audited printing accounts, for which there has been no appropriation,

Due Geo. Kerr & Co.,	-	-	-	-	-	\$27,377 22
Due B. B. Redding,	-	-	-	-	-	33,461 98
Unaudited due B. B. Redding,	-	-	-	-	-	12,000 00
Amount accruing to first February, 1855,	-	-	-	-	-	20,000 00
Making a sum total of						\$92,839 20

Your Committee therefore recommend that the bill be amended by striking out one hundred thousand and inserting the amount above named.

All of which is respectfully submitted,

C. E. LIPPINCOTT,  
E. J. MOORE,  
W. B. NORMAN,

Laid upon the table.

Mr. Crenshaw proposed several amendments to the Constitution of the State of California, which, on motion of Mr. Keene, were read a first and second time by title and referred to the Judiciary Committee.

Senate bill No. 23, entitled an Act to repeal an Act entitled an Act to amend an Act concerning the per diem of Officers of the Senate and Assembly, passed January 21, 1854, passed May 15, 1854, and to re-instate and re-enact an Act entitled an Act concerning the per diem of the Officers of the Senate and Assembly, passed February 4, 1254.

Taken from the table, read a third time and passed.

The President *pro tem.* laid before the Senate the following communication from the Secretary of the Senate:

SENATE CHAMBER, }  
Sacramento Jan. 22, 1855. }

*To the Hon. the Senate of the State of California :*

In reply to the resolution adopted by the Senate on the 19th inst., requiring the Secretary of the Senate to ascertain from the board of Trustees of the State Marine Hospital, the cause of the delay in making their Annual Report to the Legislature, I respectfully report that I transmitted by mail, on the 20th inst., a copy of the resolution to the Board of Trustees, and requested an early reply.

Also, that I have been informed by the Treasurer and Visiting Physician to the Hospital that the report will be transmitted to the Legislature to-day or to-morrow.

WM. A. CORNWALL,  
Secretary of Senate.

Senate bill No. 21, entitled an Act to provide suitable Cases, Desks and Furniture for the State Archives and State Library, was taken up.

Mr. Keene moved that the bill lie upon the table.

Agreed to.

Mr. Keene moved to take from the table the substitute offered by Mr. Whiting on the 20th inst., to the resolution authorizing the Judiciary Committee to employ a Clerk.

Agreed to.

On motion of Mr. Keene, the resolution was passed.

Senate joint resolutions relative to an Overland Mail, were taken up, and,

On motion of Mr. Keene, were re-committed to the Committee on Federal Relations.

Mr. Lippincott moved to take from the table Senate bill No. 19, entitled an Act appropriating One Hundred Thousand Dollars to meet deficiencies in State Printing.

Lost.

On motion of Mr. Hawthorne, the usual number of copies of Senate bill No. 12, entitled an Act to amend an Act entitled an Act defining the time for commencing Civil Actions, were ordered to be printed.

On motion of Mr. Hall, Mr. Keene was added to the Standing Committee on Counties and County Boundaries.

Mr. Stebbins moved that the Senate adjourn.

Lost.



Mr. Stebbins moved that the Senate take a recess till this afternoon at 3 o'clock.

Mr. Hall moved that the Senate adjourn.

Agreed to.

And the Senate adjourned.

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## IN SENATE.

TUESDAY, January 23, 1855.

Senate met pursuant to adjournment.

President in the Chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Kendall submitted the following report :

*Mr. President :*

Your Select Committee on Printing to whom was referred the documents accompanying the Governor's Message, having carefully examined the same, beg leave to add to those already reported the report of the Attorney General, and recommend that 2,000 copies of the same be printed.

Having completed their labors, your Committee respectfully ask to be discharged.

THOS. KENDALL,  
J. C. HAWTHORNE.

Adopted.

Mr. French submitted the following report:

*Mr. President :*

The Committee on Public Expenditures to whom was referred the report of the Secretary of State in regard to contracts for stationery, fuel and lights during the continuation of the present session, report that we have had the same under consideration, and examined the same and find it correct according to law. Your Committee further report that the Senate take some action in regard to the appointment of some person to take charge and attend to the hot air furnace provided for heating the Capitol building, as we think it would not come under the control of either House independent of the other.

Your Committee recommend the appointment made by the Secretary of State, D. J. Snyder, and report the following resolution and ask its adoption:

*Resolved*, (by the Senate, the Assembly concurring) That D. J. Snyder be

appointed to take charge and attend the hot air furnace having been provided for heating the Capitol building.

A. FRENCH,

Chairman.

Mr. Sprague moved to amend the resolution by striking all out after the word "resolved," and inserting the following:

"By the Senate, (the Assembly concurring) That the President of the Senate and Speaker of the Assembly appoint some suitable person to attend the hot air furnace provided for heating the Capitol building."

Mr. Burton moved that the subject lie upon the table.

Lost.

Mr. Stebbins moved that the subject be indefinitely postponed.

Agreed to.

The following message was received from his Excellency the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, Jan. 20, 1855. }

*To the Senate of California:*

I have this day approved an Act which originated in the Senate, entitled an Act to change the name of the South Yuba Mining and Sacramento Canal Company to the Nevada County and Sacramento Canal Company.

JOHN BIGLER.

Mr. Colby presented the following resolutions:

*Resolved*, That when any officer or Committee of the Senate is authorized to appoint Clerks or Assistants, it shall be the duty of such officer or Committee to report to the Senate the person or persons thus appointed, and the time of appointment.

*Resolved*, That no Clerk or Assistant whose services are not authorized by law, or in accordance with the foregoing resolution, shall be allowed any compensation from the State.

Mr. French submitted the following amendments:

*Resolved*, That the President of the Senate is hereby required to report to the Senate the names of all person or persons that is in the employment and under the control of the Senate, and the time when they commenced their services.

*Resolved*, That the Secretary of the Senate is hereby required to report to the Senate the number and names of all person or persons employed by him as Clerks, and the time when they commenced their services.

Mr. Hawks moved to strike out from the amendment first read, the word "is" in the fourth line, and insert the word "are."

Agreed to.

Mr. Leake moved that the resolutions and amendments be referred to the Committee on Engrossed Bills, with instructions to report a concurrent resolution in relation to the subject.

Agreed to.

The following message was received from the Assembly :

JANUARY 20, 1855.

*Mr. President :*

I am directed to inform the Senate that the Assembly did, on the 18th inst., concur in Senate concurrent resolution, that one copy of all bills ordered printed by either House shall be delivered to each member of the Senate and Assembly, and such Reporters as are entitled to receive copies of printed bills.

Also, that, on the 19th inst., the Assembly concurred in Senate concurrent resolution relative to Committee Rooms, and have appointed on the part of the House, Messrs. Douglas, Stevenson and Taliaferro the Committee.

Also, that the Assembly did, on the 19th inst., concur in Senate concurrent resolution authorizing the Secretary of the Senate and Clerk of the House to furnish printed lists for the use of the Joint Convention for electing a United States Senator.

And also, that the Assembly passed, on the 16th inst., an Act to repeal an Act concerning County Judges, passed April 4, 1854, so far as the same extends to San Luis Obispo County.

Have also passed an Act to change the name of Francis Sophia Bowen to that Francis Sophia Burgess, and that of her infant son, Charles French Bowen, to that of Charles French Burgess.

Also, an Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Shasta.

Also, I am directed to return Senate bill No. 18, an Act amendatory of an Act to provide for the permanent location of the Seats of Justice of the several Counties, back to the Senate for want of Engrossment.

Also, that the Assembly did, on yesterday, pass Senate bill No. 15, an Act to change the name of Caroline L. Ketchum to that of Caroline L. Pixley.

J. M. ANDERSON,

Clerk of Assembly.

Mr. Kendall submitted the following:

*Resolved*, That the Secretary of State be and he is hereby requested to furnish the Senate with an account of all the money received into the Library Fund, for what books the same has been expended, together with such suggestions as he may deem important in relation to increasing the Fund; also, what books the State Library is deficient in of paramount importance.

Adopted.

Mr. Hawthorne gave notice that, at an early day, he will introduce a bill to amend an Act concerning Divorces, passed March 25, 1851.

Mr. Whiting submitted the following report:

*Mr. President :*

I have carefully examined Senate bill No. 24, heretofore referred to me, and ask leave to report a substitute, which is hereto annexed, and recommend its passage.

WHITING.

Leave being granted, Mr. Flint introduced a bill entitled an Act to incorporate the San Francisco Turn-Verein Association.

Read a first and second time by its title, and,

On motion of Mr. Burton, referred to the San Francisco Delegation.

Leave being granted, Mr. Hook introduced a bill entitled an Act concerning Seals and legalizing Scrawls.

Read a first and second time, and,

On motion of Mr. Keene, referred to the Judiciary Committee.

Mr. Hawks gave notice that, at an early day, he will introduce a bill for an Act amendatory of an Act entitled an Act concerning the Courts of Justice in this State and Judicial Officers, passed May 19, 1853.

Mr. McGarry submitted the following report:

*Mr. President :*

The Committee on Contigent Expenses to whom was referred Senate bill No. 5, for an Act in relation to the Contingent Expenses of the Legislature, have had the same under consideration, report it back without amendment and recommend its passage.

E. MCGARRY,

Chairman.

Concurred in.

Mr. Moore moved to take from the table Senate bill No. 19, reported back with amendments by the Committee on Printing on the 22d inst., entitled an Act appropriating One Hundred Thousand Dollars to meet deficiencies in State Printing, the amendments having been withdrawn.

On motion of Mr. Lippincott, the bill was considered as engrossed, read a third time and passed.

Mr. Crenshaw moved that the Secretary of the Senate be directed to inform the Assembly that the Senate are now ready to meet the Assembly in Joint Convention.

Mr. Crenshaw submitted the following resolution :

*Resolved,* That the Treasurer of State be requested to communicate to the Senate the amount of Commutation Tax received at his office from the Mayor of the City of San Francisco for the years 1853 and 1854, and what amount is now on hand belonging to the Hospital Fund derived from that source.

Adopted.

Mr. Hawks gave notice that he will, at an early day, introduce a bill for an



Act granting to certain persons the right of using Tide and Water Power upon their own premises.

Mr. McFarland moved that the Senate take a recess for ten minutes.

Agreed to.

At the expiration of that time the Senate re-assembled.

The following message was received from the Assembly through their Clerk :

*Mr. President :*

I am directed to inform the Senate that the Assembly are now ready to meet the Senate in Joint Convention.

J. M. ANDERSON,  
Clerk of Assembly.

The Senate then repaired to the Assembly Chamber.

## IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Mr. De La Guerra was absent.

The Convention then proceeded to take the eighteenth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Burke, Coombs, Cook, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaterra, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Geber, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney, and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and Messrs. Ashley, Buffum and Phelps, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Galvin, Geller, Jones, Rodgers, Ryland, Sherrard, Stewart and Wells, of the Assembly.

Messrs. Clayton, Ferrell and Graves, of the Assembly, voted for Mr. Latham.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.

Mr Gwin received thirty-seven votes.

Mr. Edwards received thirty-seven votes.

Mr. McCorkle received fifteen votes.

Mr. McDougal received four votes.

Mr. Latham received three votes.

No person having received a majority of all the votes cast, the Convention then proceeded to take the nineteenth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt, and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Coombs, Cook, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Buffum, Phelps and Ryland, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Gaver, Geller, Jones, Rodgers, Stewart and Wells, of the Assembly.

Messrs. Clayton, Ferrell and Graves, of the Assembly, voted for M. S. Latham.

Whole number of votes cast, one hundred and eight.  
Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.  
Mr. Gwin received thirty-six votes.  
Mr. Edwards received thirty-nine votes.  
Mr. McCorkle received fourteen votes.  
Mr. McDougal received four votes.  
Mr. Latham received three votes.

No person having received a majority of all the votes cast, the Convention then proceeded to take the twentieth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Coombs, Cook, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Seellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Buffum, Phelps and Ryland, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Geller, Jones, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Messrs. Ashley, Burke and Graves, of the Assembly, voted for P. H. Burnett.  
Messrs. Clayton, Doughty and Ferrell, of the Assembly, voted for Mr. Latham.  
Mr. Edwards, of the Assembly, voted for P. B. Reading.

Whole number of votes cast, one hundred and nine.  
Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.  
Mr. Gwin received thirty-six votes.

Mr. Edwards received thirty-six votes.  
Mr. McCorkle received fourteen votes.  
Mr. McDougal received four votes.  
Mr. Latham received three votes.  
Mr. Burnett received three votes.  
Mr. Reading received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the twenty first vote.

Those who voted for Mr. D. C. Broderick were—Messrs. Colby, Day, Hall, Lipincott, Mahoney, Moore, Sprague and Whiting of the Senate, and  
Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Coombs, Cook, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Philip L. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Buffum and Phelps, of the Assembly.

Those who voted for Mr. McCorkle, were—Messrs. Flint, May, Rust, Stebbins and Tuttle of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Geller, Jones, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Messrs. Clayton, Doughty and Ferrell, of the Assembly, voted for M. S. Latham.

Messrs. Ashley, Graves and Ryland, of the Assembly, voted for P. H. Burnett.

Mr. Burke, of the Assembly, voted for J. H. Wade.

Whole number of votes cast, one hundred and eight.  
Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.  
Mr. Gwin received thirty-six votes.  
Mr. Edwards received thirty-six votes.  
Mr. McCorkle received fourteen votes.  
Mr. McDougal received three votes.  
Mr. Burnett received three votes.



Mr. Latham received three votes.

Mr. Wade received one vote.

Mr. Douglas submitted the following:

*Resolved*, That the Joint Convention adjourn to meet each Saturday at 12, M., until the Legislature do adjourn, or until a Senator is elected.

Mr. McFarland moved that the resolution lie upon the table.

Agreed to.

No person having received a majority of all the votes cast on the twenty-first vote, the Convention then proceeded to take the twenty-second vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Burke, Coombs, Cook, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. James A. McDougal were—Messrs. May and McFarland, of the Senate, and

Messrs. Buffum, Phelps and Ryland, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Gaylord, Jones, Rodgers, Sherrard, Stewart and Wells of the Assembly.

Messrs. Ashley, Clayton, Doughty and Ferrell, of the Assembly, voted for M. S. Latham.

Mr. Graves, of the Assembly, voted for P. H. Burnett.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-seven votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received thirteen votes.

Mr. McDougal received five votes.

Mr. Latham received four votes.

Mr. Burnett received one vote.

Mr. McFarland moved that the Convention adjourn.

Upon which the ayes and noes were demanded by Messrs. Keene, French and Leake with the following result:

#### AYES.

Messrs. Burton, Crenshaw, Flint, Hall, Hawks, Hawthorne, Lippincott, Mahoney, May, McCoun, McFarland, McGarry, McNeil, Moore, Peck, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Ashley, Adkison, Brewton, Brown of Contra Costa, Burke, Cammet, Cory, Chase, Clayton, Coombs, Covarrubias, Dana, Edwards, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Gaylord, Geller, Gober, Graves, Hosmer, Hunt, Jones, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Rodgers, Ryland, Sherrard, Stewart, Taylor, Updegraff, Waite, Wells and Mr. Speaker, of the Assembly—66.

#### NOES.

Messrs. Colby, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Bates, Beatty, Boles, Bogardus, Buffum, Cook, Cunningham of Sierra, Curtis, Douglas, Doughty, Foster, Gragg, Johnson of El Dorado, Johnston of San Francisco, Keys, Kinney, McCutchan, McConnell, Quinn, Rowe, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Watkins and Whitney, of the Assembly—44.

So the Convention adjourned till to-morrow at 12 o'clock.

The Senate returned to their Chamber, and,

On motion of Mr. Heintzelman, the Senate adjourned.

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## IN SENATE.

WEDNESDAY, January 24, 1855.

Senate met pursuant adjournment.

The President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Leave being granted, Mr. Leake introduced a bill entitled an Act to authorize the Board of Examiners of War Claims to settle and pay the Clerk employed by them to arrange the papers and vouchers connected with said Claims. Read a first and second time by title and referred to the Committee on Indian Affairs.

Mr. Day gave notice that he will, on to-morrow, or at an early day thereafter, introduce a bill providing for a Survey and definite location of the Boundary between the Counties of Santa Clara and Alameda.

Mr. Gove gave notice that he will, at an early day, introduce a bill for the Relief of Dr. J. P. Sharkey.

Mr. Sprague submitted the following report:

*Mr. President :*

The Judiciary Committee have had under consideration Senate bill No. 12, for an Act to amend an Act entitled an Act defining the time for commencing Civil Actions, and now ask leave to report the same back with sundry amendments, and recommend the adoption of the amendments and passage of the bill.

R. T. SPRAGUE,  
Chairman.

Assembly bill No. 9, entitled an Act to repeal an Act concerning County Judges, passed April 4, 1854, so far as the same extends to San Luis Obispo County.

Read a first and second time by title, and,

On motion of Mr. Crenshaw, referred to the Senator from Los Angeles.

Assembly bill No. 22, entitled an Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Shasta.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 39, entitled an Act to change the name of Francis Sophia Bowen to that of Francis Sophia Burgess, and that of her infant son, Charles French Bowen, to that of Charles French Burgess.

Read a first and second time by title.

Mr. McGarry moved that the bill be referred to the Judiciary Committee.

Mr. French moved to strike out the words "and that of her infant son, Charles French Bowen, to that of Charles French Burgess."

Lost.

Mr. Keene moved that the bill be considered as engrossed and read a third time.

Agreed to.

And the bill was read a third time and passed.

Mr. Sprague gave notice that he will, on to-morrow, or at an early day thereafter, introduce a bill for an Act to amend an Act entitled an Act to provide for the sale of the interest of the State of California in the property within the Water Line Front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, passed May 12, 1853.

Mr. May submitted the following joint resolutions:

*Resolved*, (by the Senate and Assembly) That our Senators be instructed

and our Representatives be requested to use their exertions to procure an appropriation by Congress of ——— dollars for the construction of a Breakwater in the Harbor of Crescent City, in this State.

*Resolved*, That his Excellency the Governor be requested to transmit a copy of the above resolution to each of our Senators and Representatives in Congress.

Read a first and second time, and,

On motion of Mr. Crenshaw, referred to the Committee on Federal Relations.

Leave being granted, Mr. Crenshaw introduced a bill entitled an Act amendatory of an Act entitled an Act concerning Passengers arriving in Ports of California, passed May 3, 1852.

Read a first and second time, and,

On motion of Mr. Kendall, referred to the Committee on Hospitals.

Leave being granted, Mr. Whiting introduced a bill entitled an Act concerning Appeals in certain Cases.

Read a first and second time and referred to the Judiciary Committee.

Mr. Colby presented the following:

*Mr. President:*

The Committee on Engrossment find correctly engrossed an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the expenses of State Printing which exist in the form of unpaid audited accounts, and of printing accounts not yet audited.

Also, an Act amendatory of an Act to provide for the permanent location of the Seats of Justice.

G. W. COLBY,  
Chairman.

Mr. Sprague gave notice that he will, on to-morrow, ask leave to introduce a bill for an Act to authorize Married Women to convey Real Estate held by them in their own right.

The President laid before the Senate the following communication:

*To the Hon. the Senate and Assembly of the State of California:*

We, the undersigned, two of the Trustees of the State Marine Hospital, most respectfully submit to your consideration the annexed report of the Resident Physicians and Treasurer of the same.

WM. McKIBBEN,  
Secretary of the Board of Trustees.  
CHAS. GALLAGHER.

Mr. McFarland submitted to the Senate a communication addressed to him by J. A. McCrea, President of the Board of Trustees of the State Marine Hospital, and E. Sparrow, one of the Trustees, stating that there had been no session of the Board since the present Legislature convened, and that Messrs. McC. and



S. are not aware that the Annual Report of the Trustees has been prepared for the use of the Legislature now in Session, etc.

Mr. Whiting raised a point of order, and objected to the reading of extracts from a private letter which was not in the possession of the Senate.

The point of order was not entertained.

Mr. Crenshaw moved that five hundred copies of the report be ordered printed.

Mr. Keene moved that the subject be referred to the Committee on Hospitals with instructions to report to the Senate what portion of the papers should be printed

Agreed to.

Mr. Moore submitted the following:

*Resolved*, That the Hospital Committee be requested to proceed at an early day to investigate, by personal inspection, the affairs of the State Marine Hospital at San Francisco, and to make a special report of the same.

Mr. Keene moved to amend by adding, "and that said Committee have power to send for persons and papers."

Mr. Burton moved that the subject lie upon the table.

Agreed to.

According to previous notice, Mr. Hawks introduced a bill entitled an Act granting to certain persons the right of using Tide and Water Power upon their own premises.

Read a first and second time by title, and,

On motion of Mr. McFarland referred to the Committee on Commerce and Navigation.

Mr. McFarland moved that the Senate take a recess for ten minutes.

Agreed to.

At the expiration of that time the Senate re-assembled.

The following message was received from the Assembly through their Clerk :

*Mr. President :*

I am directed to inform the Senate that the Assembly are now ready to meet the Senate in Joint Convention.

J. M. ANDERSON,  
Clerk of Assembly.

The Senate then repaired to the Assembly Chamber.

## IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Messrs. De La Guerra, Hawks, Leake, McGarry, Norman and Stebbins, of the Senate, were absent.

Mr. Watkins, of the Assembly, offered the following resolution:

*Resolved*, That when this Convention adjourn to-day, that it adjourn *sine die*.

On motion of Mr. McFarland, it was laid upon the table.

The Convention then proceeded to take the twenty-third vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, May, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Buffum and Phelps, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Jones, Rodgers, Ryland, Sherrard, Stewart and Wells, of the Assembly.

Messrs. Clayton, Ferrell and Graves, of the Assembly, voted for M. S. Latham.

Mr. Ashley, of the Assembly, voted for A. C. Peachy.  
Mr. Geller, of the Assembly, voted for Mr. Barber.

Whole number of votes cast, one hundred and eight.  
Necessary to a choice, fifty-five.

Mr. Broderick received thirteen votes.  
Mr. Gwin received thirty-eight votes.  
Mr. Edwards received thirty-seven votes.  
Mr. McCorkle received twelve votes.  
Mr. McDougal received three votes.  
Mr. Latham received three votes.  
Mr. Peachy received one vote.  
Mr. Barber received one vote.

Mr. Oxley, of the Assembly, offered the following resolution:

*Resolved*, That this Convention do now adjourn until the first Wednesday in February next, at 12 o'clock, M.

On motion of Mr. McFarland, it was laid upon the table.

No person having received a majority of all the votes cast on the twenty-third vote, the Convention then proceeded to take twenty-fourth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, May, Moore, Sprague and Whiting, of the Senate, and Messrs. Buffum, Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Maudeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, McConnell, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney, and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Jones, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Mr. Ashley, of the Assembly, voted for Mr. Peachy.

Mr. Burke, of the Assembly, voted for Mr. Burnett.

Messrs. Clayton, Phelps and Ryland, of the Assembly, voted for S. J. Field.

Mr. Doughty, of the Assembly, voted for E. D. Baker.

Mr. Ferrell, of the Assembly, voted for Chas. M. Creaner.  
Mr. Geller, of the Assembly, voted for W. F. Barber.

Whole number of votes cast, one hundred and eight.  
Necessary to a choice, fifty-five.

Mr. Broderick received fourteen votes.  
Mr. Gwin received thirty-eight votes.  
Mr. Edwards received thirty-six votes.  
Mr. McCorkle received eleven votes.  
Mr. McDougal received one vote.  
Mr. Baker received one vote.  
Mr. Creaner received one vote.  
Mr. Barber received one vote.  
Mr. Field received three votes.  
Mr. Peachy received one vote.  
Mr. Burnett received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the twenty-fifth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, May, Moore, Sprague and Whiting, of the Senate, and Messrs. Ashley, Buffum, Chase, Covarrubias, Hunt, and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Jones, Rodgers, Stewart and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.  
Mr. Brown of Nevada, of the Assembly, voted for Old Man Gwin.  
Messrs. Clayton and Phelps, of the Assembly, voted for S. J. Field.  
Mr. Ferrell, of the Assembly, voted for C. M. Creaner.  
Mr. Geller, of the Assembly, voted for W. F. Barber.  
Mr. Ryland, of the Assembly, voted for Sam. Purdy.  
Mr. Sherrard, of the Assembly, voted for J. A. Sutter.



Whole number of votes cast, one hundred and nine.

Necessary to a choice, fifty-five.

Mr. Broderick received fifteen votes.

Mr. Gwin received thirty-eight votes.

Mr. Edwards received thirty-eight votes.

Mr. McCorkle received ten votes.

Mr. McDougal received one vote.

Mr. Field received two votes.

Mr. Creaner received one vote.

Mr. Barber received one vote.

Mr. Purdy received two votes.

Mr. Sutter received one vote.

Old Man Gwin received one vote.

Mr. Mahoney submitted the following resolution:

*Resolved*, That the Convention do now adjourn to meet again on to-morrow at 12, M.

Upon which the ayes and noes were demanded by Messrs. Leake, French and Johnston, of San Francisco, with the following result:

#### AYES.

Messrs. Burton, Crenshaw, Day, Flint, Hall, Hawks, Hawthorne, Lippincott, Mahoney, May, McCoun, McFarland, McGarry, Moore, Peck, Rust, Scellen, Sprague, Stebbins, Tuttle and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Ashley, Adkison, Baker, Brown of Contra Costa, Burke, Cammet, Cory, Chase, Clayton, Coombs, Covarrubias, Curtis Dana, Douglas, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hosmer, Hunt, Jones, Keys, Kinney, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Palmer, Phelps, Rodgers, Ryland, Stevenson, Stewart, Taylor, Updegraff, Vineyard, Watkins, Waite, Whitney and Mr. Speaker, of the Assembly—71.

#### NOES.

Messrs. Colby, French, Gove, Heintzelman, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Cook, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Foster, Johnson of El Dorado, Johnston of San Francisco, McConnell, Quinn, Rowe, Stevens, Sherrard, Smith of El Dorado, Smith of Marin, Taliaferro and Wells, of the Assembly—35.

So the Convention adjourned.

The Senate returned to their Chamber, and,

On motion of Mr. Mandeville, the Senate adjourned.

## IN SENATE.

THURSDAY, January 25, 1855.

Senate met pursuant adjournment.

The President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

The President laid before the Senate the following communication from the State Treasurer:

STATE TREASURY DEPARTMENT, }  
Sacramento, Jan. 24, 1855. }

*To the Hon. the President of the Senate :*

In conformity with Senate resolution requesting the Treasurer of State to communicate to the Senate the amount of Commutation Tax received at his office from the Mayor of the City of San Francisco for the years 1853 and 1854, and what amount is now on hand belonging to the Hospital Fund derived from that source, I have the honor to report that no moneys have been received of the kind mentioned in the resolution, from the Mayor of the City of San Francisco.

In obedience to the order of the Controller of the State, the following amounts of commutation money have been received from the Treasurer of the City of San Francisco, all of which has been paid out upon warrants drawn upon the various funds to which it was apportioned.

Sept. 15, 1851.	Received from R. H. Sinton, Treasurer of the	
	City of San Francisco,	- - - \$6,531 25
	Apportioned to Sacramento State Hospital Fund,	- - - 3,265 62½
	" Stockton " " " " " " "	- - - 3,265 62½
January 24, 1852.	From same (apportioned to General Fund)	7,718 75
Feb. 28, 1853.	S. Clark, City Treasurer, " " " "	- 12,112 50
		<hr/> \$20,362 50

For further information I respectfully refer you to the annual report of the Controller and Treasurer.

I have the honor to be,  
Your obedient servant,

S. A. McMEANS,  
State Treasurer.

Leave being granted, Mr. Stebbins introduced a bill entitled an Act to provide for the payment of the Salary of the County Judge of Yuba County.

Read a first and second time, and,

On motion of Mr. Stebbins, the bill was considered as engrossed, read a third time and passed.

On motion of Mr. Colby, the usual number of copies of Senate bill No. 30, were ordered printed.

According to previous notice, Mr. McCoun introduced a bill entitled an Act concerning unclaimed Deposits with Bankers and Brokers, and prescribing the mode and manner of ascertaining the same and the disposition to be made thereof.

Read a first and second time by sections, and,

On motion of Mr. McCoun, referred to a Select Committee.

The President appointed Messrs. McCoun, Moore, and Rust as such Committee.

On motion of Mr. Burton, the usual number of copies of the bill were ordered printed.

Mr. Keene submitted the following report:

*Mr. President :*

The Joint Committee appointed to provide Committee Rooms for the Standing Committees of the Senate and Assembly, on the part of the Senate, submit the following report and recommend its adoption:

To the Judiciary Committee, the room in the basement on the south-east corner of the Capitol, and the Committees on Library, Printing and Military shall have access to the room when not occupied by the Judiciary Committee.

To the Committee on Finance and Claims is appropriated a room on the corner of Seventh and J Streets, and the following Committees shall also meet in the same room, to-wit:

Roads and Highways, Public Expenditures and State Prison.

To the Committees on Public Lands, Federal Relations, Indian Affairs, Education and Hospitals, is appropriated the room occupied by the President of the Senate.

The Sergeant-at-Arms of the Senate is directed to procure and furnish a convenient room for the following Committees:

Commerce and Navigation, Mines and Mining Interests, Counties and County Boundaries, Corporations, Agriculture, Public Morals and Police, Internal Improvements and Escheated Estates.

B. F. KEENE,  
CHAS. A. TUTTLE,  
E. J. MOORE.

Adopted.

According to previous notice, Mr. McCoun introduced a bill to amend an Act entitled an Act to regulate the settlement of the Estates of deceased persons.

Read a first and second time, and,

On motion of Mr. McCoun, referred to the Judiciary Committee.

Mr. Sprague submitted the following report:

*Mr. President :*

The Judiciary Committee have had under consideration Senate bill No. 26, for an Act concerning Seals and Scrawls, and have instructed me to report the same back with sundry amendments, and recommend its passage as amended.

R. T. SPRAGUE,  
Chairman.

Concurred in.

On motion of Mr. Sprague, Senate bill No. 26, entitled an Act concerning Seals and legalizing Scrolls, was taken up, considered as engrossed, read a third time and passed.

Mr. Sprague submitted the following:

*Mr. President :*

The Judiciary Committee, to whom was referred a bill for an Act concerning Appeals in certain Cases, having had the same under consideration, have directed me to report the same back and recommend its passage.

R. T. SPRAGUE,  
Chairman.

On motion of Mr. Leake, Senate bill No. 28, was recommitted to the Judiciary Committee with instructions to report a general bill amending the general Act on Appeals.

Mr. McFarland submitted the following:

*Mr. President :*

The Select Committee to whom was referred Assembly bill No. 9, have had the same under consideration, and report the same to the Senate and recommend its passage.

McFARLAND,  
Chairman.

Adopted.

On motion of Mr. McFarland, Assembly bill No. 9, entitled an Act to repeal an Act concerning County Judges, passed April 4, 1854, so far as the same extends to San Luis Obispo County, was taken from the table, read a third time and passed.

The following message was received from the Assembly:

JANUARY 25, 1855.

*Mr. President :*

I am directed to inform the Senate that the Assembly did, on yesterday, pass Senate bill No. 17, An Act to Fund the Debt of Contra Costa County, and



provide for the payment of the same, with an amendment as therein shown.

Also, Senate bill No. 4, An Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Legislative Expenses of this State accruing from the first day of February, A. D., 1854, to the first day of February, A. D., 1855, with amendments as therein shown.

Also, that the Assembly passed on the 22d inst., Assembly bill No. 17, An Act to fix the time for holding the County Court, Probate Court and Court of Sessions in the County of Santa Clara.

Also, passed at the same date, Assembly bill No. 53, An Act to authorize John Horner and others to construct a Lock on Alameda River, in the County of Alameda.

J. M. ANDERSON,

Clerk of Assembly.

According to previous notice, Mr. Sprague introduced a bill entitled an Act to authorize Married Women to convey Real Estate held by them in their own right.

Read a first and second time, and,

On motion of Mr. McFarland, referred to the Judiciary Committee.

On motion of Mr. Burton, Senate bill No. 17, entitled an Act to Fund the Debt of Contra Costa County, and to provide for the payment of the same, was taken up, and the amendment made thereto by the Assembly was concurred in.

On motion of Mr. Keene, Senate bill No. 4, entitled an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Legislative Expenses of this State accruing from the first day of February, 1854, to the first day of February, 1855, was taken up and the amendments made thereto by the Assembly were concurred in.

On motion of Mr. Burton, Assembly bill No. 53, entitled an Act to authorize John Horner and others to construct a Lock on Alameda River in the County of Alameda, was taken up.

Read a first and second time and referred to the Committee on Commerce and Navigation.

Assembly bill No. 17, entitled an Act to fix the times for holding the County Courts, Probate Court and Court of Sessions in the County of Santa Clara.

Taken up, read a first and second time and referred to the Judiciary Committee.

Mr. Colby presented the following report: •

*Mr. President :*

Your Committee on Engrossment have examined and find correctly engrossed Senate bill No. 31, entitled an Act to provide for the payment of the Salary of the County Judge of Yuba County.

G. W. COLBY,

Chairman.

Leave being granted, Mr. Hawks introduced a bill entitled an Act amendatory of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Read a first and second time and referred to the Judiciary Committee, and ordered printed.

On motion of Mr. Whiting, the substitute to Senate bill No. 24, reported by Mr. Whiting, entitled an Act to amend Section First of an Act creating a Board of Commissioners and the office of Overseer in each Township of the several Counties of this State, to regulate Water Courses within their respective limits, passed May 15, 1854, was taken up and,

On motion of Mr. Burton, the bill was considered as engrossed, read three several times and passed.

Mr. Tuttle presented the following report:

*Mr. President :*

The Committee on Federal Relations to whom was referred Senate joint resolution in relation to the construction of a Breakwater in the Harbor at Crescent City in this State, report the same back to the Senate, and recommend their passage with an amendment filling up the blank with \$75,000.

CHAS. A. TUTTLE,

Chairman.

WILSON FLINT,

W. B MAY.

Adopted.

Senate joint resolution in relation to the construction of a Breakwater in the Harbor at Crescent City in this State.

Taken from the table, read a third time and passed.

Mr. Crenshaw gave notice that, at an early day, he will introduce a bill appropriating money to defray necessary expenses in prosecuting Suit for the recovery of the various Escheated Estates in this State.

Mr. McFarland moved that the Secretary of the Senate be directed to inform the Assembly that the Senate are now ready to meet the Assembly in Joint Convention.

Agreed to.

Mr. McFarland moved that the Senate take a recess for ten minutes.

Agreed to.

At the expiration of that time the Senate re-assembled.

The following message was received from the Assembly through their Clerk :

*Mr. President :*

I am directed to inform the Senate that the Assembly are now ready to meet the Senate in Joint Convention.

J. M. ANDERSON,

Clerk of Assembly.

The Senate then repaired to the Assembly Chamber.

## IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Mr. De La Guerra was absent.

The Convention then proceeded to take the twenty-sixth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lip-pincott, Mahoney, May, Moore, Sprague and Whiting, of the Senate, and Messrs. Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Chase, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Ashley, Buffum and Phelps, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Geller, Jones, Ryland, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Mr. Clayton, of the Assembly, voted for S. J. Field.

Mr. Doughty, of the Assembly, voted for W. W. Stow.

Messrs. Ferrell, of the Assembly, voted for C. M. Creaner.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Broderick received twelve votes.

Mr. Gwin received forty-one votes.  
Mr. Edwards received thirty-six votes.  
Mr. McDougal received four votes.  
Mr. McCorkle received fourteen votes.  
Mr. Field received one vote.  
Mr. Stow received one vote.  
Mr. Creaner received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the twenty-seventh vote.

Those who voted for Mr. D. C. Broderick were—Messrs. Colby, Day, Hall, Lipincott, Mahoney, May, Moore, Sprague, Tuttle and Whiting of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Philip L. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Phelps and Ryland, of the Assembly.

Those who voted for Mr. McCorkle, were—Messrs. Flint, Rust and Stebbins, of the Senate, and

Messrs. Ashley, Buffum, Cammet, Flournoy, Gaver, Geller, Jones, Rodgers, Stewart and Wells, of the Assembly.

Mr. Clayton, of the Assembly, voted for Mr. Field.  
Mr. Doughty, of the Assembly, voted for Mr. Ed. McGarry.  
Mr. Ferrell, of the Assembly, voted for C. M. Creaner.  
Mr. Sherrard, of the Assembly, voted for J. A. Sutter.

Whole number of votes cast, one hundred and ten.  
Necessary to a choice, fifty-six.

Mr. Broderick received fourteen votes.  
Mr. Gwin received forty votes.  
Mr. Edwards received thirty-six votes.  
Mr. McDougal received three votes.  
Mr. McCorkle received thirteen votes.  
Mr. McGarry received one vote.



Mr. Creaner received one vote.

Mr. Sutter received one vote.

Mr. Field received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the twenty-eighth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, May, Moore, Sprague, Tuttle and Whiting, of the Senate, and Messrs. Ashley, Buffum, Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Goyer, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. James A. McDougal were—Mr. McFarland, of the Senate, and

Mr. Ryland, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust and Stebbins, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Geller, Jones, Rodgers, Sherrard, Stewart and Wells of the Assembly.

Messrs. Clayton, and Phelps, of the Assembly, voted for Mr. Field.

Messrs. Dougherty and Ferrell, of the Assembly, voted for C. M. Creaner.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Broderick received sixteen votes.

Mr. Gwin received thirty-nine votes.

Mr. Edwards received thirty-seven votes.

Mr. McCorkle received twelve votes.

Mr. McDougal received two votes.

Mr. Field received two votes.

Mr. Creaner received two votes.

No election.

Mr. Adkison moved that the Convention adjourn until Wednesday next, 31st instant.

Upon which the ayes and noes were demanded by Messrs. Mandeville, French and Leake, of the Senate, with the following result:

## AYES.

Messrs. McCoun, McGarry, Peck and Whiting, of the Senate, and

Messrs. Arrington, Adkison, Brown of Contra Costa, Douglas, Farwell, Gober, Gragg, Hosmer, Hunt, Moreland, Murdock and Waite of the Assembly.

## NOES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, Mandeville, May, McFarland, McNeil, Moore, Norman, Rust, Scellen, Sprague, Stebbins and Tuttle, of the Senate, and

Andrews, Amyx, Ashley, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Cory, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of Sierra, Curtis, Dana, Doughty, Farley, Ferrell, Foster, Ferguson, Gaver, Gaylord, Geller, Graves, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, McConnell, Mellus, Meredith, Oxley, Palmer, Phelps, Quinn, Rodgers, Rowe, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Vineyard, Watkins, Wells, Whitney and Mr. Speaker, of the Assembly.

Mr. Burke offered the following resolution:

*Resolved*, That this Convention do now adjourn until the fourth Monday in March next.

On motion of Mr. Knox, it was laid on the table.

The Convention then proceeded to take the twenty-ninth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, May, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Coombs, Cook, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Messrs. Buffum and Ryland, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust and Stebbins, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Geller, Jones, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Mr. Peck, of the Senate, voted for H. A. Crabb.

Messrs. Ashley, Clayton, and Phelps, of the Assembly, voted for Mr. Field.

Mr. Brown, of Nevada, of the Assembly, voted for T. J. Dunn.

Mr. Burke, of the Assembly, voted for Col. Chiles.

Mr. Doughty, of the Assembly, voted for H. A. Crabb.

Mr. Ferrell, of the Assembly, voted for Chas. M. Creaner.

Whole number of votes cast, one hundred and nine.

Necessary to a choice, fifty-five.

Mr. Broderick received thirteen votes.

Mr. Gwin received thirty-eight votes.

Mr. Edwards received thirty-five votes.

Mr. McCorkle received twelve votes.

Mr. McDougal received three votes.

Mr. Creaner received one vote.

Mr. Dunn received one vote.

Mr. Crabb received two votes.

Mr. Field received three votes.

Col. Chiles received one vote.

Mr. Baker submitted the following resolution:

*Resolved*, That the time of meeting in Joint Convention each day, be fixed at 3 o'clock, P. M.

Mr. Burton submitted that the resolution was not in order.

The point of order was overruled by the President.

Mr. Keene appealed from the decision of the President.

The question being then, "shall the decision of the President stand as the judgment of the Convention?"

Messrs. French, Heintzelman and McGarry demanded the ayes and noes, with the following result:

AYES.

Messrs. Colby, Day, Hawks, Hawthorne, Lippincott, Mahoney, McCoun, McGarry, Seellen, Sprague and Whiting, of the Senate, and

Messrs. Arrington, Ashley, Adkison, Baker, Bates, Brewton, Brown of Contra Costa, Brown of Nevada, Cory, Clayton, Coombs, Covarrubias, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Flournoy, Ferguson, Gaylord, Gober, Graves, Gragg, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, McCutchan, Mellus, Meredith, Moreland, Murdock, Palmer, Phelps, Quinn, Rodgers, Rowe, Ryland, Sherrard, Smith of Marin, Stewart, Taylor, Updegraff, Watkins, Waite, Wells, Whitney and Mr. Speaker, of the Assembly.

## NOES.

Messrs. Burton, Crenshaw, Flint, French, Gove, Hall, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McFarland, McNeil, Moore, Norman, Peck, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Amyx, Beatty, Bogardus, Boles, Buffum, Cammet, Chase, Cook, Cunningham of Sierra, Ferrell, Foster, Gaver, Geller, Johnson of El Dorado, Kinney, McConnell, Oxley, Stevens, Stevenson, Smith of El Dorado, Taliaferro and Vineyard, of the Assembly.

So the decision of the President was sustained.

Mr. Farwell moved that the Convention adjourn until to-morrow at 2 o'clock.  
Lost.

Mr. Crenshaw moved that the Convention adjourn until to-morrow at 12 o'clock.

Upon which the ayes and noes were demanded by Messrs. Leake and French, of the Senate, and Mr. Buffum, of the Assembly, with the following result:

## AYES.

Messrs. Crenshaw, Day, Flint, Gove, Hall, Hawthorne, Lippincott, Mahoney, May, McFarland, McGarry, Moore, Peck, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Arrington, Ashley, Baker, Brown of Nevada, Cory, Chase, Clayton, Coombs, Covarrubias, Cunningham of Sierra, Curtis, Dana, Farwell, Ferrell, Ferguson, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hosmer, Keys, Kinney, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Rodgers, Ryland, Stevens, Sherrard, Smith of Marin, Stewart, Taylor, Wells, Whitney and Mr. Speaker, of the Assembly.

## NOES.

Messrs. Burton, Colby, French, Hawks, Heintzelman, Keene, Kendall, Leake, Mandeville, McCoun, McNeil, Norman and Tuttle of the Senate, and

Messrs. Andrews, Amyx, Adkison, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Buffum, Cammet, Cook, Doughty, Farley, Flournoy, Foster Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, McCutchan, McConnell, Quinn, Rowe, Stevenson, Taliaferro, Updegraff, Vineyard, Watkins and Waite, of the Assembly.

The Senate returned to their Chamber, and,

On motion of Mr. May, the Senate adjourned.



## IN SENATE.

FRIDAY, January 26, 1855.

Senate met pursuant adjournment.

The President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. McGarry submitted the following report:

*Mr. President :*

The Committee on Contingent Expenses have examined the accompanying account of Warren & Son for the California Farmer, find it correct and recommend its payment.

EDWARD MCGARRY,  
Chairman.

Adopted.

Mr. Stebbins presented the following report:

*Mr. President :*

The Committee on Commerce and Navigation, to whom was referred Senate bill for an Act to authorize David N. Darlington, Josiah Hanscom and others to build a Wharf at Vallejo, in Solano County, have had the same under consideration, and respectfully report the same back to the Senate, without amendment, and recommend the passage of the bill.

J. G. STEBBINS,  
Chairman, *pro tem.*

Adopted.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossed Bills would respectfully report that they have examined and find correctly engrossed the following Act:

An Act to change the name of Caroline L. Ketchum to that of Caroline L. Pixley.

G. W. COLBY,  
Chairman.

Mr. Colby presented the following report :

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed Senate bill No. 26, entitled an Act concerning Seals and legalizing Scrolls.

Also, joint resolution in relation to the construction of a Breakwater in the Harbor at Crescent City in this State.

G. W. COLBY,  
Chairman.

Mr. Norman presented the following report:

*Mr. President :*

The Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 4, entitled an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Legislative Expenses of this State accruing from the first day of February, A. D., 1854, to the first day of February, A. D., 1855.

W. B. NORMAN,  
Chairman.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment, to which was referred the resolution regarding the appointment of Clerks and pay of the same, have had the same under consideration, and report the accompanying substitute and recommend its passage.

G. W. COLBY,  
Chairman.

Adopted.

Mr. Sprague submitted the following report:

*Mr. President :*

The Judiciary Committee have had under consideration Senate bill No. 34, entitled an Act to authorize Married Women to convey Real Estate held by them in their own right, and have directed me to report the same back with the accompanying amendments, recommending its passage as amended.

R. T. SPRAGUE,  
Chairman.

Adopted.

On motion of Mr. McGarry, the amendments reported by the Judiciary Committee to Senate bill No. 34, entitled an Act to authorize Married Women to

convey Real Estate held by them in their own right, were severally concurred in, and,

On motion of Mr. Sprague, the bill was considered as engrossed, read a third time and passed.

Mr. Sprague submitted the following report:

*Mr. President:*

The Judiciary Committee have had under consideration Assembly bill No. 17, entitled an Act to fix the times for holding the County Courts, Probate Court and Court of Sessions in the County of Santa Clara; and Assembly bill No. 22, entitled an Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Shasta, and have directed me to report the same back with the accompanying substitute for both, recommending the passage of the substitute.

R. T. SPRAGUE,  
Chairman.

Adopted.

On motion of Mr. Sprague, the substitute reported by the Judiciary Committee to Assembly Bills numbered seventeen and twenty-two, entitled an Act fixing the time of holding the several Courts authorized to be held by the County Judge in the Counties of Shasta and Santa Clara, was adopted, and the bill considered as engrossed, read three several times and passed.

Mr. Keene submitted the following concurrent resolution:

*Resolved*, (by the Senate, the Assembly concurring) That the Joint Convention of the Senate and Assembly, convened by joint resolution, for the purpose of electing a United States Senator, at any time after the votes shall have been counted, and be forethe Convention shall proceed to another vote, either House may retire, or the Convention may adjourn from day to day, or to any other day not exceeding three days, and the hour of meeting of the Convention shall be agreed upon before adjournment.

On motion of Mr. McFarland, it was laid upon the table.

Mr. Hook submitted the following report:

*Mr. President:*

The Committee on Indian Affairs, to whom was referred a bill for an Act to authorize the Board of Examiners of War Claims to settle and pay the Clerk employed by them to arrange the papers and vouchers connected with said Claims, have had the same under consideration, and I am directed to report the following amendments and recommend the passage of the bill:

SEC. 1, line 4; insert after the word "same," "not to exceed three thousand dollars"; and at the end of section first add, "the sum of three thousand dollars is hereby appropriated and set apart out of any unappropriated moneys in the Treasury, for the purposes herein specified."

Second section to be stricken out of the bill.

G. W. HOOK,  
Chairman.

Adopted.

On motion of Mr. McFarland, the amendments reported by the Committee on Indian Affairs to Senate bill No. 27, entitled an Act to authorize the Board of Examiners of War Claims to settle and pay the Clerk employed by them to arrange the papers and vouchers connected with said Claims, were severally concurred in, and the bill was ordered engrossed for a third reading.

Mr. Stebbins submitted a communication from the Attorney General of the State of California, on the subject of escheats, which,

On motion of Mr. Creushaw, was referred to the Committee on Escheated Estates.

According to previous notice, Mr. Gove introduced a bill entitled an Act for the relief of Dr. J. P. Sharkey.

Read a first and second time and referred to Committee on Claims.

On motion of Mr. Colby, the Senate proceeded to consider the following substitute, reported by the Committee on Engrossment, to the resolutions regarding the appointment of Clerks and pay of the same:

*Resolved*, (the Assembly concurring) That when any Officer or Committee of the Senate or Assembly is authorized to appoint Clerks or attaches of any kind, it shall be the duty of such Committee or officer to report to their respective Houses the name of the appointee and time of appointment, and it shall be the duty of the Secretary, if in the Senate, or of the Clerk, if in the House, to record the same upon the Journals, and present a copy to the presiding officer. It shall further be the duty of the President of the Senate and Speaker of the House to transmit to the Controller of State and Sergeant-at-Arms, the names of all attaches of their respective Houses, also, the time of appointment, respectively, of such attaches.

*Resolved*, That no attachee shall be allowed any pay from the State whose services are not authorized by law, or in accordance with the foregoing resolution.

The substitute reported by the Committee was adopted, and the resolutions were passed.

Mr. Stebbins gave notice that he will, at an early day, introduce a bill to provide for the sale, at public auction, of the interests of the State of California in the Leidesdorff Estate, and certain other proper within the limits of this State.

Mr. Whiting asked leave of absence for Mr. May for two days.

Granted.

Mr. Heitzelman submitted the following:

*Resolved*, That the State Printer is hereby required to set apart, for the use of the office of the State Superintendent of Common Schools, five hundred copies of said Superintendent's Report ordered for the use of the Senate.

Mr. Mandeville moved to strike out the words "five hundred" and insert "one thousand."



Mr. Sprague raised a question of order, that the original resolution of the Senate having directed the State Printer to print two thousand copies of this report for the use of the Senate, they could not now direct him to set apart any number of those copies for any other purpose without rescinding the original resolution.

The Chair (Mr. Hawks) ruled that the point of order was well taken.

Mr. Sprague moved to amend the resolution by striking out all after the word "resolved," and inserting:

"That the State Printer be directed to print one thousand additional copies of the report of the Superintendent of Common Schools for the use of that officer."

Lost.

Mr. Mandeville moved to strike out from the resolution the words "State Printer," and insert the words "Sergeant-at-Arms."

Agreed to.

Mr. Peck moved that the resolution lie upon the table.

Lost.

The resolution as amended was passed.

Mr. Tuttle submitted the following:

*Resolved*, That the Secretary of the California Land Commissioners be requested to report to the Senate the total amount now due the State for lands heretofore sold, the amount remaining unpaid for each sale, and the length of time the same has remained unpaid, and whether, in his opinion, the same will be received into the Treasury during the present fiscal year.

Mr. Burton moved to strike out the word "Secretary," and insert the word "Board."

Mr. Sprague moved that the resolution lie upon the table.

Agreed to.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly, on yesterday, passed Assembly bill No. 42, An Act to create a Board of Supervisors for Alameda County.

Also, that the Assembly passed, on yesterday, Assembly joint resolution No. 4, relative to the forming of an Extradition Treaty between the United States and Mexico.

Also, Assembly bill No. 27, An Act to provide for the payment of the Salary of the County Judge of Sacramento County.

Also, Assembly Joint Resolution No. 2, relative to the Muniments of Title delivered to the Board of United States Land Commissioners.

J. M. ANDERSON,

Clerk of Assembly.

Mr. Crenshaw moved that the message from the Assembly lie upon the table. Lost.

Assembly bill No. 42, entitled an Act to create a Board of Supervisors for Alameda County.

Taken up, read a first and second time, and referred to the Judiciary Committee.

Assembly joint resolution No. 2, relative to the Muniments of Title delivered to the Board of United States Land Commissioners.

Taken up, read a first and second time, and referred to the Committee on Public Lands.

Assembly bill No. 27, entitled an Act to provide for the payment of the Salary of the County Judge of Sacramento County.

Taken up, read a first and second time and referred to the Sacramento Delegation.

Assembly joint resolution No. 4, relative to the forming of an Extradition Treaty between the United States and Mexico.

Taken up, and,

On motion of Mr. Moore, laid over under the rule.

Mr. Leake moved that the Senate take a recess for ten minutes.

Agreed to.

At the expiration of that time the Senate re-assembled.

The following message was received from the Assembly through their Clerk :

*Mr. President :*

I am directed to inform the Senate that the Assembly are now ready to meet the Senate in Joint Convention.

J. M. ANDERSON,  
Clerk of Assembly.

The Senate then repaired to the Assembly Chamber.

### IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Messrs. De La Guerra and May, of the Senate, were absent.

Mr. Cook, of the Assembly, submitted a resolution proposing to vote only for those candidates who received the highest number of votes.

Ruled out of order.

The Convention then proceeded to take the thirtieth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lipincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Geller, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Browton, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Mordock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney, and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Mr. Buffum, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Jones, Rodgers, Ryland, Sherrard, and Wells, of the Assembly.

Mr. Peck, of the Senate, voted for H. A. Crabb.

Mr. Ashley, of the Assembly, voted for T. J. Henley.

Messrs. Clayton and Phelps, of the Assembly, voted for S. J. Field.

Mr. Ferrell, of the Assembly, voted for C. M. Creaner.

Mr. Stewart, of the Assembly, voted for R. P. Hammond.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Broderick received thirteen votes.

Mr. Gwin received thirty-nine votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received twelve votes.

Mr. McDougal received two votes.

Mr. Crabb, received one vote.

Mr. Henley received one vote.

Mr. Creaner received one vote.

Mr. Field received two votes.

Mr. Hammond received one vote.

Mr. Flint moved that the Convention adjourn till Tuesday next, the 30th instant, at 12 M.

Mr. Mandeville moved that the Convention adjourn till the fifth of April next.

Lost.

The question then being upon the motion to adjourn till Tuesday next.

Messrs. Leake, French and Oxley demanded the ayes and noes, with the following result:

## AYES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Gove, Hall, Hawks, Hawthorne, Lippincott, Mahoney, McCoun, McFarland, McGarry, Moore, Peck, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Baker, Bates, Brown of Contra Costa, Buffum, Burke, Cammet, Cory, Chase, Clayton, Coombs, Covarrubias, Curtis, Dana, Douglas, Doughty, Edwards, Farley, Farwell, Flournoy, Ferguson, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hosmer, Hunt, Jones, Keys, Kinney, Lincoln, McConnell, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Quinn, Rodgers, Rowe, Ryland, Sherrard, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro, Taylor, Updegraff, Waite, Wells, Whitney and Mr. Speaker, of the Assembly.

## NOES.

Messrs. French, Hook, Keene, Kendall, Leake, Mandeville, McNeill, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Ashley, Beatty, Bogardus, Boles, Brewton, Cook, Cunningham of El Dorado, Cunningham of Sierra, Ferrell, Foster, Johnson of El Dorado, Johnston of San Francisco, Knox, McCutchan, Palmer, Stevens, Stevenson, Singley, Vineyard and Watkins, of the Assembly.

So the Convention adjourned.

The Senate returned to their Chamber, and,  
On motion of Mr. Keene, the Senate adjourned.

## IN SENATE.

SATURDAY, January 27, 1855.

Senate met pursuant to adjournment.

President in the Chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Kendall submitted the following resolution:

*Resolved*, That the Special Committee appointed by the Senate to examine the Treasurer's Warrants and Bonds, are hereby authorized to employ, temporarily, a Clerk.

Adopted.



Mr. Spragne moved that the resolution be made concurrent.  
 Agreed to.  
 As amended the resolution was passed.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,  
 Sacramento, Jan. 27, 1855. }

*To the Hon. the Senate of the State of California :*

I have this day approved an Act which originated in the Senate, entitled an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Legislative Expenses of the State accruing from the first day of February, 1854, to the first day of February, 1855.

JOHN BIGLER.

Mr. Norman presented the following report:

*Mr. President :*

The Joint Committee on Enrolled Bills did, on yesterday, present to the Governor, for his signature, the following bill:

A bill for an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Legislative Expenses of this State accruing from the first day of February, 1854, to the first day of February, 1855.

W. B. NORMAN,  
 Chairman.

Mr. Colby presented the following report :

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed Senate bill No. 27, entitled an Act to authorize the Board of Examiners of War Claims to settle and pay the Clerk employed by them to arrange the papers and vouchers connected with said Claims.

Also, Senate bill No. 34, entitled an Act to authorize Married Women to convey Real Estate held by them in their own right.

G. W. COLBY,  
 Chairman.

Mr. Leake submitted the following resolution:

*Resolved,* That the Secretary of State be requested to communicate to the Senate the names of all persons holding any office in this State by virtue of an appointment made by the Governor, who have not been confirmed by the Senate as required by law; also, to report the office held by said appointees, and the date of their Commissions.

Adopted.

Mr. May gave notice that he will, on Monday next, introduce a bill for an Act to supply a deficiency in the appropriation to provide for the Survey of a portion of the Northern Boundary of this State, passed April 27, 1854.

The President laid before the Senate a communication from the Secretary of the Senate in relation to the temporary employment of Clerks, which,

On motion of Mr. Keene, was referred to the Committee on Claims.

Mr. French submitted several amendments to the Constitution of the State of California.

Read a first and second time and referred to the Judiciary Committee and ordered printed.

On motion of Mr. McFarland, Senate bill No. 27, entitled an Act to authorize the Board of Examiners of War Claims to settle and pay the Clerk employed by them to arrange the papers and vouchers connected with said Claims, was taken up.

Read a third time and passed.

According to previous notice, Mr. Crenshaw introduced a bill entitled an Act to provide for the prosecution of Escheated Estates.

Read a first and second time, and referred to the Committee on Escheated Estates, and ordered printed.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee, under a resolution of the Senate heretofore passed authorizing said Committee to employ a Clerk, ask leave to report that, on the 25th inst., the Committee employed Chas. H. Gilman to act as Clerk of said Committee from and after that date.

R. T. SPRAGUE,  
Chairman.

Leave being granted, Mr. Hawks introduced a bill entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Escheated Estates, passed May 4, 1852.

Read a first and second time by title, and referred to the Judiciary Committee and ordered printed.

Mr. Day, from the Committee on Finance to whom was referred Senate bill No. 2, entitled an Act to Fund the Indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 30th day of June, A. D., 1853, and the first day of July, A. D., 1855, reported that the Committee had considered the same, made several amendments thereto, and asked leave to report it back to the Senate and recommend its passage.

On motion of Mr. Sprague, the Senate, as in Committee of the Whole, proceeded to consider the bill; and, after some time spent therein,

On motion of Mr. Mandeville, the Committee reported progress and asked leave to sit again.

Granted.

Mr. Mandeville moved that the bill lie upon the table and be made the special order for Monday next, the 29th inst., at 12 o'clock M.

Agreed to.

Leave being granted, Mr. Whiting introduced a bill entitled an Act to pro-

vide for taking the Second Census, as provided in Article Four, Section Twenty-Eight, of the Constitution of the State of California.

Read a first and second time, and,

On motion of Mr. Crenshaw, referred to the Judiciary Committee.

On motion of Mr. McFarland, the usual number of copies were ordered printed.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly, on yesterday, passed a Concurrent Resolution fixing the time of meeting in Joint Convention for the election of a United States Senator, and rescinding a resolution passed January 9, 1855, fixing the hour of 12 o'clock, M., for meeting of said Convention.

J. M. ANDERSON,

Clerk of Assembly.

On motion of Mr. Keene, the Senate proceeded to consider the following Concurrent Resolution from the Assembly:

*Resolved*, (the Senate concurring) That after Friday, the 26th inst., both Houses of the Legislature will meet in Joint Convention at the hour of 2, P. M., instead of 12, M., for the purpose of electing a United States Senator; and that a resolution passed January 9, 1855, fixing the hour of 12, M., for the meeting of said Convention, be and the same is hereby rescinded.

Mr. Keene submitted the following amendments:

Insert after the word "that," in the seventh line, the words "so much of."

Strike out the word "fixing," in the eighth line, and insert the words "as fixed."

Adopted.

The resolution, as amended, was concurred in.

Mr. Crenshaw gave notice that, at an early day, he will introduce a bill to provide for the examination of the Books and Vouchers in the Treasurer and Controller's Office.

Mr. Rust gave notice that, at an early day, he will introduce a bill to amend an Act concerning the Office of County Treasurer.

Mr. Sprague submitted the following resolution:

*Resolved*, That the Committee on Finance be requested to report back to the Senate, Senate bill No. 3, for an Act providing for the Registry of Controller's Warrants, etc., on or before Tuesday, January 30, 1855.

Adopted.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly have this day passed Senate bill No. 13, relative to the appointment of Commissioners to the World's Industrial Exhibition to be holden at Paris in the year 1855.

Also, have passed Senate bill No. 23, An Act to repeal an Act concerning the per diem of Officers of the Senate and Assembly.

Also, have passed Assembly bill No. 35, An Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Contra Costa.

Also, Assembly bill No. 48, An Act to fix the times for holding the Terms of the District Court of the Second Judicial District of this State.

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 48, entitled an Act to fix the times for holding the Terms of the District Court of the Second Judicial District of this State.

Taken up, read a first and second time, and,

On motion of Mr. Burton, referred to the Judiciary Committee.

Assembly bill No. 35, entitled an Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Contra Costa.

Taken up, read a first and second time, and,

On motion of Mr. Keene, referred to the Judiciary Committee.

Assembly Joint Resolution No. 4, relative to the forming of an Extradition Treaty between the United States and Mexico.

Taken up, read a second time, and,

On motion of Mr. McFarland, referred to the Committee on Federal Relations.

Mr. Mandeville moved that the Senate adjourn.

Agreed to.

The Senate adjourned till Monday morning at 11 o'clock.

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## IN SENATE.

MONDAY, January 29, 1855.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of Saturday was read and approved.

Mr. Keene submitted the following preamble and resolutions:



*Whereas*, A great calamity has befallen our community and many of our most valued citizens and others, have been suddenly deprived of existence by a terrible and shocking event, the explosion of the boiler of the steamer Pearl; and,

*Whereas*, A deeply rooted feeling of sorrow and sympathy pervades all classes for those who were and are the sufferers by the same; therefore,

*Resolved*, As a token of respect for the memories of the departed, and as an echo of the universal sorrow of the country, and to enable us to take further action in reference to the obsequies of the deceased, that the Senate do now adjourn.

Mr. Keene moved that the resolution be adopted.

Mr. Rust seconded the motion.

And the resolution was adopted.

The Senate adjourned.

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## IN SENATE.

TUESDAY, January 30, 1855.

Senate met pursuant to adjournment.

President in the Chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Flint presented the following report:

*Mr. President :*

The Committee on Claims, to whom was referred a communication from the Secretary of the Senate in relation to the temporary employment of Clerks, ask leave to report the same back to the Senate, and recommend that the persons therein named be allowed for their services the same per diem pay as is allowed to extra Clerks in the Act passed on the 27th inst, regulating the per diem pay of Officers of the Senate.

WILSON FLINT,

Chairman.

J. W. MANDEVILLE.

Adopted.

Mr. Crenshaw submitted the following resolution:

*Resolved*, That the Controller of State be required to audit and allow the accounts of John Y. Lind, Secretary of the Senate, and John H. Stewart, Assistant Secretary of the Senate, for one week's services prior to the organization of the Senate.

Mr. Colby moved that the resolution be referred to the Committee on Claims.  
Lost.

The resolution was adopted.

Mr. Leake presented the petition of citizens of Shasta County, praying that the salary of the District Attorney of said County may be fixed by law.

Read and referred to the Delegation from Shasta County.

According to previous notice, Mr. Sprague introduced a bill entitled an Act concerning Public Ferries and Toll-Bridges.

Read a first and second time and referred to the Judiciary Committee, and,

On motion of Mr. Crenshaw, ordered printed.

Mr. Leake gave notice that he will, at an early day, introduce an Act providing for the payment of Claims against this State in Cash.

Also, an Act to amend an Act to provide for the sale of the interest of the State of California in the Property within the Water Line Front of the City of San Francisco, passed May 18, 1853.

Leave being granted, Mr. Tuttle introduced a bill entitled an Act to provide for the care and support of persons arriving in the Harbor of San Francisco, laboring under contagious or infectious diseases.

Read a first and second time, and,

On motion of Mr. Tuttle, referred to the Committee on Hospitals.

According to previous notice, Mr. Sprague introduced a bill entitled an Act to amend an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May 19, 1853.

Read a first and second time, and,

On motion of Mr. Burton, referred to the Judiciary Committee.

Mr. Sprague moved that the Senate proceed to consider the special order, Senate bill No. 2, entitled an Act to Fund the indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 30th day of June, A. D., 1853, and the first day of July, A. D., 1855.

Lost.

On motion of Mr. Tuttle, the Senate proceeded to consider the following resolution:

*Resolved*, That the Secretary of the California Land Commissioners be requested to report to the Senate the total amount now due the State for lands heretofore sold; the amount remaining unpaid for each sale, and the length of time the same has remained unpaid; and whether, in their opinion, the same will be received into the Treasury during the present fiscal year.

Mr. Burton renewed his motion to strike out the words "Secretary of the," and insert the words "Board of."

The motion was agreed to.

The resolution, as amended, was passed.

According to previous notice, Mr. May introduced a bill entitled an Act to supply a deficiency in the appropriation to provide for the Survey of a portion of the Northern Boundary of this State.

Read a first and second time, and,

On motion of Mr. Sprague, referred to the Committee on Public Expenditures.

Mr. Colby presented the following report:

*Mr. President :*

The Committee to which was referred Assembly bill No. 27, regarding the payment of the Salary of the County Judge of Sacramento County, have had the same under consideration, report the same back and recommend its passage.

G. W. COLBY,  
A. S. GOVE.

Adopted.

Assembly bill No. 27, entitled an Act to provide for the payment of the Salary of the County Judge of Sacramento County.

Taken up, read a third time and passed.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly have this day concurred in Senate amendments to Assembly Concurrent Resolution fixing the time for the two Houses to meet in Joint Convention for the election of a United States Senator.

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Keene presented the following report:

*Mr. President :*

The Committee on Public Lands, to whom was referred the Assembly Joint Resolution relative to the Muniments of Title delivered to the Board of United States Land Commissioners, have had the same under consideration, and report the same to the Senate and recommend the passage thereof.

B. F. KEENE,  
Chairman.

Adopted.

Assembly Joint Resolution No. 2, relative to the Muniments of Title delivered to the Board of United State Land Commissioners.

Taken up and read a third time.

Mr. Colby moved that the resolution lie upon the table.

Lost.

The resolution was passed.

Mr. Mandeville moved to take up Senate bill No. 14, entitled an Act providing for the payment of Officers holding Elections, and for transmitting Returns thereof.

Lost.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on the 27th of this month, Assembly bill No. 34, An Act fixing the times of holding the Terms of the County Courts, Courts of Session and Probate Courts in and for Butte County.

Also, Assembly bill No. 68, An Act to change the time of holding County and Session Courts in the County of Napa.

J. M. ANDERSON,

Clerk of Assembly.

On motion of Mr. Keene, the Senate, as in Committee of the Whole, resumed the consideration of Senate bill No. 2, entitled an Act to Fund the Indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 30th day of June, A. D., 1853, and the first day of July, A. D., 1855.

After some time spent therein, Mr. Leake moved that the Committee rise, report progress, and ask leave to sit again.

Lost.

Mr. Hawthorne moved that the Committee rise, report progress, and that the bill be made a special order for Friday next.

Lost.

Mr. McGarry moved that the Committee rise and report progress.

Agreed to.

Mr. Tuttle moved that the bill be indefinitely postponed.

Mr. Burton moved that the Senate concur with the Committee of the Whole in their report.

Mr. French moved that the bill lie upon the table and be made a special order for Monday next.

Upon which Messrs. Leake, Tuttle and French demanded the ayes and noes with the following result:

AYES.

Messrs. French, Leake, May, Norman, Scellen and Tuttle—6.

NOES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Gove, Hall, Hawthorne, Hook, Keene, Lippincott, McFarland, McGarry, McNeil, Peck, Rust, Sprague and Whiting—18.

So the Senate refused to lay the bill upon the table.



Mr. Leake moved a call of the Senate.

Upon which Messrs. Leake, Norman and Tuttle demanded the ayes and noes, and it was decided in the negative by the following vote:

AYES.

Messrs. French, Leake, May, Norman, Seellen and Tuttle—6.

• NOES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Gove, Hall, Hawthorne, Hook, Keene, Lippincott, McFarland, McGarry, McNeil, Peck, Rust, Sprague and Whiting—18.

Mr. Flint moved that the bill lie upon the table and be made a special order for to-morrow, at 12 o'clock.

Mr. Leake moved to amend by inserting Tuesday next at 12 o'clock, M.

Messrs. Leake and Flint severally withdrew their motions.

Mr. Leake moved that the Senate take a recess for five minutes.

Agreed to.

At the expiration of that time the Senate re-assembled.

The following message was received from the Assembly through their Clerk :

*Mr. President :*

I am directed to inform the Senate that the Assembly are now ready to meet the Senate in Joint Convention.

J. M. ANDERSON,  
Clerk of Assembly.

The Senate then repaired to the Assembly Chamber.

IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Messrs. Day, De La Guerra and Mahoney, of the Senate, were absent.

Mr. French moved that the Convention adjourn *sine die*.

Lost.

The Convention then proceeded to take the thirty-first vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and  
Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney, and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Mr. Buffum, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Gaver, Geller, Jones, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Messrs. Clayton and Phelps, of the Assembly, voted for S. J. Field.

Mr. Ferrell, of the Assembly, voted for C. M. Creaner.

Mr. Ryland, of the Assembly, voted for E. Norton.

Whole number of votes cast, one hundred and seven.

Necessary to a choice, fifty-four.

Mr. Broderick received eleven votes.

Mr. Gwin received thirty-eight votes.

Mr. Edwards received thirty-seven votes.

Mr. McCorkle received fifteen votes.

Mr. McDougal received two votes.

Mr. Field received two votes.

Mr. Norton received one vote.

Mr. Creaner received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to the thirty-second vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, May, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt, and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, Palmer, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peek and Seellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Melius, Meredith, Moreland, Murdock, Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Mr. Ashley, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Geller, Jones, Rodgers and Wells, of the Assembly.

Mr. Buffum, of the Assembly, voted for S. P. Webb.

Messrs. Clayton and Phelps, of the Assembly, voted for S. J. Field.

Mr. Doughty, of the Assembly, voted for B. Peyton.

Mr. Ferrell, of the Assembly, voted for Mr. Creaner.

Messrs. Graves and Stewart, of the Assembly, voted for R. P. Hammond.

Mr. Ryland, of the Assembly, voted for Ed. Norton.

Whole number of votes cast, one hundred and five.

Necessary to a choice, fifty-three.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-six votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received eleven votes.

Mr. McDougal received two votes.

Mr. Webb received one vote.

Mr. Field received one vote.

Mr. Peyton received one vote.

Mr. Creaner received one vote.

Mr. Hammond received two votes.

Mr. Norton received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the thirty-third vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Leake, May, Mandeville, McNeil, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, McCutchan, Palmer, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust and Tuttle of the Senate, and

Messrs. Cammet, Flournoy, Jones, Rodgers, and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Those who voted Mr. Whitesides were—Mr. Stebbins, of the Senate, and Messrs. Clayton, Gaver, Geller, Kinney and Phelps, of the Assembly.

Mr. Ashley, of the Assembly, voted for Wm. Stewart.

Mr. Buffum, of the Assembly, voted for S. P. Webb.

Mr. Doughty, of the Assembly, voted for B. Peyton.

Mr. Ferrell, of the Assembly, voted for Chas. M. Creaner.

Messrs. Graves and Stewart, of the Assembly, voted for Mr. Hammond.

Mr. Ryland, of the Assembly, voted for Ed. Norton.

Mr. Sherrard, of the Assembly, voted for V. E. Geiger.

Whole number of votes cast, one hundred and four.

Necessary to a choice, fifty-three.

Mr. Broderick received eleven votes.

Mr. Gwin received thirty-six votes.

Mr. Edwards received thirty-four votes.

Mr. McCorkle received eight votes.

Mr. Whitesides received six votes.

Mr. McDougal received one vote.

Mr. Stewart received one vote.

Mr. Webb received one vote.

Mr. Peyton, received one vote.

Mr. Creaner received one vote.

Mr. Hammond received two votes.

Mr. Geiger received one vote.

Mr. Norton received one vote.

Mr. Flournoy moved to adjourn until to-morrow at 2 o'clock.

Upon which the ayes and noes were demanded by Messrs. Keene, Leake and Mandeville, with the following result:



## AYES.

Messrs. Burton, Hawks, Hawthorne, Lippincott, May, McCoun, McGarry, Moore, Peck, Rust, Seellen, Sprague and Whiting, of the Senate, and

Messrs. Andrews, Ashley, Baker, Boles, Cory, Coombs, Covarrubias, Cunningham of Sierra, Dana, Farwell, Flournoy, Ferguson, Gaver, Gaylord, Gragg, Hosmer, Hunt, Lincoln, Mellus, Meredith, Moreland, Murdock, Palmer, Rowe, Sherrard, Smith of Marin, Taylor, Updegraff, Vineyard, Watkins and Mr. Speaker, of the Assembly—44.

## NOES.

Messrs. Colby, Crenshaw, Day, Flint, French, Gove, Hall, Heintzelman, Hook, Keene, Leake, Mandeville, McFarland, McNeil and Norman, of the Senate, and

Messrs. Amyx, Arrington, Adkison, Bates, Beatty, Bogardus, Brewton, Brown of Contra Costa, Brown of Nevada, Buflum, Burke, Cammet, Chase, Clayton, Cook, Cunningham of El Dorado, Curtis, Douglas, Doughty, Farley, Ferrell, Foster, Geller, Gober, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, McCutchan, Phelps, Rodgers, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Stewart, Taliaferro, Waite, Wells and Whitney, of the Assembly—58.

So the Convention refused to adjourn.

The Convention then proceeded to take the thirty-fourth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Leake, Mandeville, May, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, Palmer, Stevens, Stevenson, Singley, Smith of El Dorado, Taliaferro and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Seellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust, and Tuttle, of the Senate, and

Messrs. Cammet, Jones, Rodgers, Stewart and Wells, of the Assembly.

Those who voted for Mr. Whitesides were—Mr. Stebbins, of the Senate, and

Messrs. Ashley, Clayton, Doughty, Ferrell, Gaver, Geller, Phelps and Vineyard, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.  
Mr. Buffum, of the Assembly, voted for S. P. Webb.  
Mr. Flournoy, of the Assembly, voted for R. P. Hammond.  
Mr. Ryland, of the Assembly, voted for Ed. Norton.  
Mr. Sherrard, of the Assembly, voted for Mr. Taliaferro.

Whole number of votes cast, one hundred and two.  
Necessary to a choice, fifty-two.

Mr. Broderick received eleven votes.  
Mr. Gwin received thirty-five votes.  
Mr. Edwards received thirty-four votes.  
Mr. McCorkle received eight votes.  
Mr. Whitesides received nine votes.  
Mr. McDougal received one vote.  
Mr. Taliaferro received one vote.  
Mr. Webb received one vote.  
Mr. Hammond received one vote.  
Mr. Norton received one vote.

On motion of Mr. Kendall, the Secretary of the Senate was directed to record upon the Journal the fact that Mr. Kendall was in his seat during the sitting of the Convention; that he had paired off with Mr. Mahoney, the latter Senator being ill; and that if Mr. Kendall had voted, he would have voted for Wm. M. Gwin, and that if Mr. Mahoney had voted, he would have voted for David C. Broderick.

Mr. Chase moved that the Convention adjourn until Friday, February 2.

Upon which the ayes and noes were demanded by Messrs. Leake, Mandeville, and French, with the following result:

#### AYES.

Messrs. Hawks, Hawthorne, Lippincott, May, McCoun, McGarry, Moore, Peck, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Arrington, Brown of Contra Costa, Chase, Coombs, Covarrubias, Douglas, Farley, Gragg, Hosmer, Hunt, Meredith, Murdock, Palmer and Waite, of the Assembly—25.

#### NOES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, French, Gove, Hall, Heintzelman, Hook, Keene, Leake, Mandeville, McFarland, McNeil, Norman, Rust, Scellen and Tuttle, of the Senate, and

Messrs. Andrews, Amyx, Ashley, Adkison, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Cory, Clayton, Cook, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Doughty, Ferrell, Flournoy, Ferguson, Foster, Gaver, Gaylord, Geller, Gober, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, Mellus, Moreland, Phelps, Rodgers, Rowe, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Stewart, Taliaferro, Taylor, Updegraff, Vineyard, Watkins, Wells, Whitney and Mr. Speaker. of the Assembly—77.

So the motion was lost.

Mr. Arrington moved that the Convention adjourn until to-morrow at 2 o'clock

Upon which the ayes and noes were demanded by Messrs. Leake, Norman and French, with the following result:

#### AYES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Gove, Hall, Hawks, Hawthorne, Lippincott, May, McCoun, McFarland, Moore, Peck, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Baker, Boles, Brewton, Cory, Coombs, Covarrubias, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Foster, Ferguson, Gaver, Gaylord, Geller, Gober, Gragg, Hosmer, Hunt, Kinney, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Palmer, Phelps, Ryland, Sherrard, Singley, Smith of El Dorado, Stewart, Taylor, Updegraff, Vineyard, Watkins, Waite, Whitney and Mr. Speaker, of the Assembly—64.

#### NOES.

Messrs. French, Hook, Keene, Leake, Mandeville, McGarry, McNeil, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Ashley, Bates, Beatty, Bogardus, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Canmet, Chase, Clayton, Cook, Farley, Ferrell, Flournoy, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, McCutchan, Rodgers, Rowe, Stevens, Stevenson, Taliaferro and Wells, of the Assembly—36.

So the Convention adjourned until to-morrow at 2 o'clock, P. M.

The Senate returned to their Chamber, and,  
On motion of Mr. Crenshaw, the Senate adjourned.

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### IN SENATE.

WEDNESDAY, January 31, 1855:

Senate met pursuant adjournment.

The President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. McNeil presented a petition of citizens of Mariposa County praying for the erection of a new county to be called Mercede County.

On motion of Mr. McNeil, it was referred to the Committee on Counties and County Boundaries.

Mr. Flint presented the following report:

*Mr. President :*

Your Committee on Claims have examined the bill for the Relief of John F. Hays, and beg leave to report favorably and recommend its passage.

WILSON FLINT,  
Chairman.

J. W. MANDEVILLE.  
P. C. RUST.

Laid upon the table.

Mr. Tuttle presented the following report:

*Mr. President :*

The Committee on Federal Relations, to which was referred Senate Concurrent Resolution in relation to an Overland Mail, beg leave, respectfully, to submit the following substitute and recommend its passage.

CHAS. A. TUTTLE,  
WILSON FLINT,  
W. B. MAY.

Mr. Mandeville moved that the Senate re-consider their vote of yesterday on the adoption of the report of the Committee on Claims in relation to the temporary employment of Clerks.

Agreed to.

Mr. Mandeville moved that the report be re-committed to the Committee on Claims.

Agreed to.

Mr. French submitted the following resolution:

*Resolved*, That the State Printer be required to report to the Senate, by what authority the appendix attached to the Governor's Message was published and appended as a part of the Governor's Message.

Mr. Whiting moved that the resolution lie upon the table.

Lost.

Mr. Whiting presented the following substitute:

*Resolved*, That the State Printer be required to furnish the Secretary of the Senate with a statement of the written or verbal authority by which he has been induced to suppress or neglect to print that portion of the report on the Leidesdorff Estate containing the names of the terre tenants.



Mr. Whiting moved that the resolutions lie upon the table.

Lost.

Mr. Manderville moved that they be referred to the Printing Committee.

Agreed to.

Mr. Norman presented the following report:

*Mr. President:*

The Joint Committee on Enrollment have examined and find correctly enrolled the following:

Concurrent Resolution in relation to erecting Light Houses at Trinidad and Crescent City.

An Act to change the name of Frances Sophia Bowen to that of Frances Sophia Burgess, and that of her infant son, Charles French Bowen, to that of Charles French Burgess.

An Act to repeal an Act concerning County Judges, passed April 4, 1854, so far as the same extends to the County of San Luis Obispo.

W. B. NORMAN,

Chairman.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly passed, on yesterday, substitute for Assembly bill No. 26, An Act to amend the Forty-Seventh Section of an Act entitled an Act concerning Officers, passed April 28, 1851, with an amendment thereto annexed.

Also, Senate bill No. 18, An Act amendatory of an Act to provide for the permanent location of the Seats of Justice of the several Counties of this State, passed April 11, 1850, passed May 13, 1854, with an amendment thereto annexed.

J. M. ANDERSON,

Clerk of Assembly.

Mr. Sprague moved that the Senate concur in the amendment made by the Assembly to Senate bill No. 26, entitled an Act to amend the Forty-Seventh Section of an Act entitled an Act concerning Officers, passed April 28, 1851.

Agreed to.

And the amendment was concurred in.

Mr. Kendall moved that the Senate concur in the amendment made by the Assembly to Senate bill No. 18, entitled an Act amendatory of an Act to provide for the permanent location of the Seats of Justice of the several Counties of this State, passed April 11, 1850, passed May 13, 1854.

Agreed to.

And the amendment was concurred in.

Assembly bill No. 34, entitled an Act fixing the times of holding the Terms of the County Courts, Courts of Session and Probate Courts in and for Butte County.

Taken up, read a first and second time, and,

On motion of Mr. Peck, referred to the Judiciary Committee.

Assembly bill No. 68, entitled an Act to change the time of holding County and Session Courts in the County of Napa.

Taken up, read a first and second time, and,

On motion of Mr. McGarry, referred to the Judiciary Committee.

Mr. Crenshaw submitted the following resolution:

*Resolved*, That the Judiciary Committee be instructed to report a bill to the Senate providing for the punishment of Officers or persons connected with the management of Steamboats in the waters of this State, for carelessness or recklessness in the management of such vessels.

Adopted.

On motion of Mr. Flint, the Senate proceeded to consider the report submitted by the Committee on Federal Relations, being a substitute to Senate Concurrent Resolution in relation to an Overland Mail.

The report having been read,

Mr. Sprague moved that it be re-committed to the Committee on Federal Relations, with instructions to report an amendment embodying a statement of the losses of property sustained by Immigrants coming overland to California.

Agreed to.

On motion of Mr. Flint, the Committee were instructed to report a further amendment embodying a statement of the number of Immigrants annually killed upon the Plains by hostile Indians.

Mr. McFarland moved that the Senate resume the consideration of Senate bill No. 2, entitled an Act to Fund the Indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 30th day of June, A. D., 1853, and the first day of July, A. D. 1855.

Upon which the ayes and noes were demanded by Messrs. French, Moore and Sprague, with the following result:

AYES.

Messrs Burton, Colby, Crenshaw, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Leake, Lippincott, May, McFarland, McNeil, Moore, Scellen, Sprague and Stebbins—19.

NOES.

Messrs. Keene, Mandeville, McCoun, McGarry, Norman, Peck, Rust and Tuttle—8.

So the Senate ordered that the bill be taken up.

Mr. Leake moved that the bill be indefinitely postponed.

Mr. Mandeville moved that the bill lie upon the table.

Agreed to.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly, this day, passed Assembly bill No. 3, An Act requiring the Controller to Audit certain Bills of the Members and Officers of the present Legislature; and that it was passed by a two-third vote, notwithstanding the objections of the Governor.

J. M. ANDERSON,

Clerk of Assembly.

Which, having been read, Mr. Mandeville moved to take up Assembly bill No. 3, entitled an Act requiring the Controller to Audit certain bills of the Members and Officers of the present Legislature.

Agreed to.

Mr. Mandeville moved that the bill pass notwithstanding the objections of the Governor.

Mr. Sprague moved a call of the Senate.

Lost.

The question then being, " Shall the bill pass notwithstanding the objections of the Governor?" the ayes and noes were demanded and taken with the following result:

#### AYES.

Messrs. Burton, Crenshaw, Flint, French, Hawks, Hawthorne, Heintzelman, Hook, Keene, Mandeville, May, McCoun, Norman, Peck, Rust, Scellen and Tuttle—17.

#### NOES.

Messrs. Colby, Day, Gove, Hall, Lippincott, McFarland, McGarry, McNeil, Moore, Sprague and Stebbins—11.

Mr. McGarry moved that the vote just taken on the passage of the bill be re-considered.

Mr. Sprague moved that the motion to re-consider lie upon the table.

Lost.

Mr. Sprague moved a call of the Senate.

Lost.

Mr. Lippincott moved that the Senate take a recess for five minutes.

Lost.

Mr. Colby moved that the Senate adjourn.

Lost.

The question then being on the motion of Mr. McGarry to re-consider the vote on the passage of the bill notwithstanding the Governor's objections.

Messrs. Sprague, Moore and Lippincott demanded the ayes and noes with the following result:

## AYES.

Messrs. Burton, Crenshaw, Flint, French, Hawks, Hawthorne, Heintzelman, Hook, Keene, Leake, Mandeville, May, McCoun, McGarry, Norman, Peck, Rust, Scellen, Stebbins and Tuttle—20.

## NOES.

Messrs. Colby, Day, Gove, Lippincott, McFarland, McNeil, Moore and Sprague—8.

So the motion to re-consider was carried.

The question being then, "Shall the bill pass notwithstanding the objections of the Governor?"

Mr. Leake moved that the bill lie upon the table.

Agreed to.

Mr. Leake moved that the Senate take a recess till 2 o'clock, P. M.

Agreed to.

At the expiration of that time the Senate re-assembled.

The following message was received from the Assembly through their Clerk :

*Mr. President :*

I am directed to inform the Senate that the Assembly are now ready to meet the Senate in Joint Convention.

J. M. ANDERSON,  
Clerk of Assembly.

The Senate then repaired to the Assembly Chamber.

## IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Messrs. De La Guerra, Mahoney and Hook, of the Senate, were absent.

The Convention then proceeded to take the thirty-fifth vote.

Those who voted for Mr. D. C. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, May, Moore, Sprague and Whiting of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heint-



zelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Brewton, Brown of Nevada, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Philip L. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peek and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle, were—Messrs. Flint and Rust of the Senate, and

Messrs. Cammet, Flournoy, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Those who voted for Mr. Whitesides were—Mr. Stebbins, of the Senate, and

Messrs. Ashley, Clayton, Doughty, Ferrell, Gaver, Geller, Jones, Kinney and Phelps, of the Assembly.

Those who voted for Mr. McDougal were—Mr. McFarland, of the Senate, and

Mr. Buffum, of the Assembly.

Mr. Ryland, of the Assembly, voted for Edward Norton.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Broderick received thirteen votes.

Mr. Gwin received thirty-nine votes.

Mr. Edwards received thirty-five votes.

Mr. McCorkle received eight votes.

Mr. Whitesides received ten votes.

Mr. McDougal received two votes.

Mr. Norton received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to take the thirty-sixth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, May, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson

of El Dorado, Johnston of San Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint and Rust, of the Senate, and

Messrs. Rodgers, Stewart and Wells of the Assembly.

Those who voted for Mr. Whitesides were—Messrs. Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Buffam, Cammet, Clayton, Doughty, Ferrell, Flournoy, Gaver, Geller, Jones, Kinney and Phelps, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Messrs. Brown of Nevada, Burke and Sherrard, of the Assembly, voted for Mr. Geiger.

Mr. Ryland, of the Assembly, voted for E. Norton.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Broderick received thirteen votes.

Mr. Gwin received thirty-seven votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received five votes.

Mr. Whitesides received fourteen votes.

Mr. Geiger received three votes.

Mr. McDougal received one vote.

Mr. Norton received one vote.

No person having received a majority of all the votes cast, the Convention then proceeded to the thirty-seventh vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, May, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt, and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCune, McGarry, Peck and Seellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Geller, Gregg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Orley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint and Rust, of the Senate, and

Messrs. Cammet, Flournoy, Rodgers and Stewart, of the Assembly.

Those who voted for Mr. Whitesides were—Messrs. Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Buford, Clayton, Doughty, Ferrall, Gayer, Geller, Jones, Kinney, Phelps and Vineyard, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Messrs. Brown of Nevada, and Sherrard, of the Assembly, voted for Mr. Geiger.

Mr. Ryland, of the Assembly, voted for Ed. Norton.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Broderick received thirteen votes.

Mr. Gwin received thirty-six votes.

Mr. Edwards received thirty-seven votes.

Mr. Whitesides received thirteen votes.

Mr. McCorkle received seven votes.

Mr. McDougal received one vote.

Mr. Geiger received two votes.

Mr. Norton received one vote.

Mr. Flint moved that the Convention adjourn.

Upon which the ayes and noes were demanded by Messrs. French, Flint and Mandeville, with the following result:

#### AYES.

Messrs. Flint, Hall, Hawthorne, Lippincott, Mahoney, May, McCune, McGarry, Peck, Rust, Sprague, Stebbins, Tuttle and Willing, of the Senate, and

Messrs. Arrington, Baker, Brown of Nevada, Buford, Cammet, Clayton, Combs, Cunningham of Sierra, Curtis, Dana, Douglas, Farley, Farwell, Flournoy, Ferguson, Gayer, Geller, Graves, Gregg, Hosmer, Hunt, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Orley, Palmer, Sherrard, Stewart, Taylor, Updegraff, Waite and Mr. Speaker, of the Assembly—50

#### NOES.

Messrs. Burton, Colby, Crenshaw, Day, French, Gove, Hawks, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McNeil, Moore, Norman and Seellen, of the Senate, and

Messrs. Andrews, Amyx, Ashley, Adkison, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Burke, Cory, Chase, Cook, Covarrubias, Cunningham of El Dorado, Doughty, Ferrell, Foster, Gaylord, Gober, Jonnson of El Dorado, Johnston of San Francisco, Jones, Kinney, McCutchan, Phelps, Quinn, Rodgers, Rowe, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Updegraff, Vineyard, Wells and Whitney, of the Assembly—59.

So the Convention refused to adjourn.

Mr. Burke, of the Assembly, submitted the following resolution :

*Resolved*, That this Convention do now adjourn to meet again on Monday the second day of April next.

Mr. McFarland moved that the resolution lie upon the table.

Upon which Messrs. Mandeville, French and Leake demanded the ayes and noes, with the following result:

#### AYES.

Messrs. Burton, Colby, Day, Flint, Gove, Hall, Hawks, Heintzelman, Keene, Lippincott, Mahoney, May, McFarland, Moore, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brewton, Cammet, Cory, Chase, Clayton, Covarrubias, Cunningham of Sierra, Curtis, Dana, Farley, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Geller, Gober, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, Mellus, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Smith of Marin, Stewart, Taylor, Updegraff, Waite, Wells and Mr. Speaker, of the Assembly—65.

#### NOES.

Messrs. Crenshaw, French, Hawthorne, Hook, Kendall, Leake, Mandeville, McCoun, McGarry, McNeil, Norman, Peck and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Coombs, Cook, Cunningham of El Dorado, Douglas, Doughty, Foster, Graves, Gragg, Hosmer, Johnson of El Dorado, Johnston of San Francisco, McConnell, Meredith, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Taliaferro, Vineyard, Watkins and Whitney, of the Assembly—44.

So the resolution was laid upon the table.

Mr. Flint moved that the Convention do now adjourn.

Upon which Messrs. French, Leake and Norman demanded the ayes and noes, with the following result:



## AYES.

Messrs. Burton, Colby, Crenshaw, Flint, Hall, Hawthorne, Heintzelman, Lippincott, Mahoney, May, McGarry, Moore, Rust, Seellen, Sprague, Stebbins, Tuttle and Whiting, of the Senate, and

Messrs. Arrington, Baker, Buffum, Canmet, Covarrubias, Cunningham of Sierra, Curtis, Dana, Flournoy, Ferguson, Geller, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Rowe, Ryland, Sherrard, Smith of Marin, Stewart, Taylor, Whitney and Mr. Speaker, of the Assembly—47.

## NOES.

Messrs. Day, French, Gove, Hawks, Hook, Keene, Kendall, Leake, Mandeville, McCoun, McFarland, McNeil, Norman and Peck, of the Senate, and

Messrs. Andrews, Amyx, Ashley, Adkison, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Burke, Cory, Chase, Clayton, Coombs, Cook, Douglas, Doughty, Farley, Farwell, Ferrell, Foster, Gaver, Gaylord, Gober, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, Knox, McCutchan, McConnell, Phelps, Quinn, Rodgers, Stevens, Stevenson, Singley, Smith of El Dorado, Taliaferro, Updegraff, Vineyard, Waite and Wells of the Assembly—60.

So the Convention refused to adjourn.

No person having received a majority of all the votes cast on the thirty-seventh vote, the Convention then proceeded to take the thirty-eighth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, May, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnston of San Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Seellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney, and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint and Rust, of the Senate, and

Messrs. Canmet, Flournoy, Gaver, Jones, Rodgers, Stewart and Wells, of the Assembly.

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 28, entitled an Act concerning Appeals in certain Cases, and have directed me to report the same back with a substitute, according to instructions, for the action of the Senate.

WHITING,  
Of Committee.

On motion of Mr. Stebbins, it was laid upon the table.

Mr. Stebbins moved that the Rules be suspended, and that the Senate proceed to consider the bill returned with the Governor's objections, entitled an Act requiring the Controller to Audit certain Bills of the Members and Officers of the present Legislature.

Agreed to.

The question being then, " Shall the bill pass notwithstanding the objections of the Governor ? " it was decided in the affirmative by the following vote:

AYES.

Messrs. Burton, Crenshaw, Flint, French, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Leake, Mandeville, May, McCoun, McGarry, Norman, Peck, Rust, Scellen, Stebbins and Tuttle—21.

NOES.

Messrs. Colby, Day, Kendall, Lippincott, McFarland, McNeil, Moore, Sprague and Whiting—9.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed, Senate bill No. 18, entitled an Act amendatory of an Act to provide for the permanent location of the Seats of Justice of the several Counties of this State, passed April 11, 1850, passed May 13, 1854.

Also, substitute for Assembly bill No. 26, entitled an Act to amend the Forty-Seventh Section of an Act entitled an Act concerning Officers, passed April 28, 1851.

G. W. COLBY,  
Chairman.

Mr. Norman presented the following report:

*Mr. President :*

The Joint Committee on Enrollment report that they did, on yesterday, present to his Excellency, the Governor, for his approval, the following:

Concurrent Resolution in relation to erecting Light-Houses at Trinidad and Crescent City.

An Act to change the name of Francis Sophia Bowen to that of Francis Sophia Burgess, and that of her infant son, Charles French Bowen, to Charles French Burgess.

An Act to repeal an Act concerning County Judges, passed April 4, 1854, so far as the same relates to the County of San Luis Obispo.

W. B. NORMAN,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 22, entitled a bill for an Act to create a Board of Supervisors for the Counties of Sierra, Yuba and Contra Costa, and to define their duties and powers, and have directed me to report the same back with amendments, recommending its passage as amended.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 10, entitled an Act to create a Board of Supervisors in those Counties in this State where no such Board now exists, and to define their duties and powers, and have directed me to report the same back with sundry amendments, recommending its passage as amended.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 43, entitled an Act to amend an Act entitled an Act concerning the Courts of Justice in this State and Judicial Officers, passed May 19, 1853.

Also, Senate bill No. 35, bearing same title, and have directed me to report the same back, incorporating bill No. 35 in bill No. 43, as amendment to the same, recommending the passage of bill No. 43 as amended.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 35, entitled an Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Contra Costa, and have directed me to report the same back without amendment, recommending its passage.

R. T. SPRAGUE.

Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 48, entitled an Act to fix the times for holding the Terms of the District Court of the Second Judicial District of this State, and have directed me to report the same back without amendment, and recommend its passage.

R. T. SPRAGUE,

Chairman.

Laid upon the table.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate bill No. 19, An Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Expenses of State Printing which exist in the form of unpaid audited accounts and of printing accounts not yet audited.

\* Also, Assembly bill No. 79, An Act to amend an Act entitled an Act concerning County Judges, passed April 4, 1854.

Also, Senate Joint Resolution in relation to the construction of a Breakwater in the Harbor at Crescent City in this State.

Also, that they have passed a Concurrent Resolution appointing a Committee to ascertain the amount of Controller's Warrants redeemed since the 15th of January, 1855, and the persons to whom paid, and have appointed, on the part of the House, Messrs. Oxley, Smith of Marin and Curtis the Committee.

J. M. ANDERSON,

Clerk of Assembly.

On motion of Mr. Leake, the Senate proceeded to consider the following Concurrent Resolution from the Assembly:

*Resolved*, (by the Assembly, the Senate concurring,) that a Select Joint Committee consisting of three members from each House, be appointed for the



purpose of visiting the State Treasurer's Office, and ascertaining the amount of Controller's Warrants redeemed by him since the fifteenth day of January, 1855, and that they be instructed to report at the earliest opportunity, and the names of the persons to whom paid.

Mr. Tuttle moved to strike out the words, "fifteenth day of January, eighteen hundred and fifty-five," and insert the words "twentieth day of December, eighteen hundred and fifty-four."

Mr. Crenshaw moved that the resolution lay upon the table.

Agreed to.

Assembly bill No. 79, entitled an Act to amend an Act concerning County Judges, passed April 4, 1854.

Taken from the table, read a first and second time, and,

On motion of Mr. Tuttle, referred to the Judiciary Committee.

The Senate, as in Committee of the Whole, proceeded to the consideration of Assembly bill No. 48, entitled An Act to fix the times for holding the Terms of the District Court of the Second Judicial District of this State.

After some time spent therein, on motion of Mr. Sprague, the Committee reported the bill to the Senate, and recommended its passage.

The report was concurred in.

The bill was read a third time and passed.

Leave being granted, Mr. Norman introduced a bill entitled an Act concerning the duties of County Treasurer.

Read a first and second time, and referred to the Judiciary Committee, and,

On motion of Mr. Leake, ordered printed.

Leave being granted, Mr. Tuttle introduced a bill entitled an Act to transfer certain Moneys from the Sinking Funds and Interest Funds to the General Fund.

Read first time and laid over under the rule.

On motion of Mr. McGarry, Senate bill No. 6, entitled an Act for the relief of John F. Hays, was taken from the table, and,

On motion of Mr. Leake, the bill was re-committed to the Committee on Claims.

Senate bill No. 45, entitled an Act supplementary to an Act entitled an Act to provide for the sale of the interest of the State of California in the property within the Water Line Front of the City of San Francisco, as defined in an Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851.

Taken up, read a second time, referred to the Judiciary Committee and ordered printed.

• Mr. McFarland gave notice that he will, at an early day, introduce a bill amendatory of an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854.

On motion of Mr. Keene, the Senate, as in Committee of the Whole, proceeded to the consideration of Senate bill No. 10, entitled an Act to create a Board of Supervisors in those Counties of this State where no such Board now exists, and to define their duties and powers.

After some time spent therein, Mr. Tuttle moved that the Committee rise, report progress and ask leave to sit again, and that the bill be made a special order for to-morrow at 12 o'clock.

Agreed to.

On motion of Mr. Whiting, the substitute reported by the Judiciary Committee to Senate bill No. 28, entitled an Act to amend Sections Fifty-Seven

and Fifty-Eight of an Act amendatory of and supplementary to the Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854, was taken up.

The question was taken on the adoption of the substitute.

It was rejected.

The question then recurred on the adoption of the original Senate bill No. 28, entitled an Act concerning Appeals in certain Cases.

It was adopted.

Mr. McCoun submitted the following amendments:

Insert in section first, line third, after the word "any," the words "organized County or."

Insert in section first, line fifth, after the word "town," the words, "or organized County."

Insert in section first, line nineteenth, after the word "town," the words "or organized County."

Amendments were adopted.

Mr. Whiting's amendment:

Insert in section second, line second, after the word "town," the words "or District Attorney of any County."

Adopted.

The bill, as amended, was read a third time.

The question being then, "Shall the bill pass?"

Messrs. Leake, French and Hawks demanded the ayes and noes with the following result:

AYES.

Messrs. Burton, Colby, Flint, Hall, Hawks, Hawthorne, Heintzelman, Kendall, Lippincott, Mandeville, McCoun, McGarry, McNeil, Moore, Rust, Scellen, Sprague and Whiting—18.

NOES.

Messrs. Crenshaw, French, Hook, Keene, Leake, May, McFarland, Norman and Tuttle—9.

Mr. Rust moved to take from the table resolutions in relation to the appointment of Clerks by the Standing Committees of the Senate.

Lost.

Mr. Norman presented the following report:

*Mr. President :*

The Committee on Enrollment have examined and find correctly enrolled, an Act entitled an Act amendatory of an Act to provide for the permanent loca-

tion of the Seats of Justice of the several Counties of this State, passed April 11, 1850, passed May 13, 1854.

W. B. NORMAN,  
Chairman.

The President laid before the Senate a communication from the Secretary of State in relation to Commissions issued by the Governor during the year 1854, which,

On motion of Mr. Burton, was referred to the Judiciary Committee.

Mr. Leake moved that the Senate re-consider the vote on the motion to refer the communication to the Judiciary Committee.

Lost.

Mr. Tuttle moved to take from the table Senate bill No. 2, entitled an Act to Fund the Indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 30th day of June, A. D., 1853, and the first day of July, A. D., 1855.

Lost.

Mr. McFarland moved that the Senate take a recess till 2 o'clock, P. M.  
Agreed to.

At the expiration of that time the Senate re-assembled.

The following message was received from the Assembly through their Clerk :

*Mr. President :*

I am directed to inform the Senate that the Assembly are now ready to meet the Senate in Joint Convention.

J. M. ANDERSON,  
Clerk of Assembly.

The Senate then repaired to the Assembly Chamber.

### IN CONVENTION.

The two Houses met in the Hall of the Assembly in Joint Convention, to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Messrs. De La Guerra and Gove were absent.

Mr. Gober, of the Assembly, presented the following resolution:

*Resolved*, That when this Convention has balloted fifty times for a United States Senator to take place of Hon. Wm. M. Gwin, and if no election be then had, that this Convention do then adjourn *sine die*.

On motion of Mr. Chase, laid on the table.

The Convention then proceeded to take the thirty-ninth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Heintzelman, Hook, Keene, Kendall, Leake, May, Mandeville, McNeil, Norman of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keyes, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust and Stebbins, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Jones, Rodgers, Sherrard, Stewart and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Messrs. Tuttle, of the Senate, and Clayton and Phelps, of the Assembly, voted for S. J. Field.

Messrs. Ashley and Ryland, of the Assembly, voted for H. W. Halleck.

Mr. Brown of Nevada, of the Assembly, voted for V. E. Geiger.

Mr. Buffum, of the Assembly, voted for S. P. Webb.

Messrs. Ferrell and Geller, of the Assembly, voted for Mr. Whitesides.

Whole number of votes cast, one hundred and nine.

Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-nine votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received twelve votes.

Mr. McDougal received one vote.

Mr. Field received three votes.

Mr. Halleck received two votes.

Mr. Geiger received one vote.

Mr. Whitesides received two votes.

Mr. Webb received one vote.

Mr. Kinney offered the following resolution:

*Resolved*, That when this Convention adjourn it adjourn to meet on Tuesday next at two o'clock, and that the Convention continue to meet on Tuesdays and



Thursdays of each week, at the hour of two o'clock, until an election for Senator be had, or this Convention adjourn *sine die*.

On motion of Mr. McFarland, it was laid on the table.

On motion of Mr. Stevenson, the Convention adjourned until Tuesday next, the sixth of February, at 2 o'clock.

The Senate returned to their Chamber, and,  
On motion of Mr. Burton, the Senate adjourned.

SAMUEL PURDY,  
President of Senate.

WM. A. CORNWALL,  
Secretary of Senate.

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## IN SENATE.

FRIDAY, February 2, 1855.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. Flint presented the following report:

*Mr. President :*

Your Committee on Claims have examined the communication of the Secretary of the Senate with regard to Clerks, and find that he has appointed, by authority of Senate resolution, authorizing him to employ four Clerks, Rasey Biven, J. H. Bostwick, J. J. May and J. H. Hawkins; also, we find previous to this he employed, as temporary Clerks, James Miller four days, Wm. McQueen one day, J. C. Steel four days, F. A. Hassey two days, W. H. Chipman four days, James McLaughlin two days, C. A. Hillman two days, and F. O'Brien twenty-four days.

We also find the State Printer employed J. H. Langley twenty-two days, and C. A. Hillman twenty-one days, to copy reports of State officers and public documents.

WILSON FLINT,  
J. W. MANDEVILLE.

Laid on the table.

Mr. Tuttle, from the Committee on Federal Relations, to whom was referred the Memorial and Concurrent Resolution in relation to an Overland Mail and Wagon Road from the Mississippi Valley to the Pacific Coast, reported the same back with an amendment, which,

On motion of Whiting, was rejected, and the Memorial and Resolution were adopted.

On motion of Mr. Tuttle, the Secretary was directed to inform the Assembly of the adoption of the Memorial and Resolution.

Mr. Lippincott presented the following report:

*Mr. President :*

The Committee on State Printing, to whom was referred the accompanying resolutions offered by Senators French and Whiting, would respectfully report that they have communicated with the State Printer, and have received from him the accompanying letter which contains a full reply to both of the resolutions.

Inasmuch as the accounts of the State Printer must always be audited by competent authority before they are paid, your Committee would respectfully suggest the indefinite postponement of the whole matter.

C. E. LIPPINCOTT,  
Chairman.

Adopted.

The following message was received from the Assembly:

*Mr. President :*

I am instructed to inform the Senate that the Assembly, on yesterday, passed a Concurrent Resolution directing the Superintendent of Public Buildings to turn over certain furniture heretofore used by the Legislature, to the Superintendent of Common Schools of Sacramento County.

J. M. ANDERSON,  
Clerk of Assembly.

On motion of Mr. Mandeville, the Senate concurred in the following Concurrent Resolution:

*Resolved*, (by the Assembly, the Senate concurring,) That the Superintendent of Public Buildings is hereby directed to turn over to the Superintendent of Common Schools of Sacramento County, all the old and refuse furniture heretofore used by the Legislature, to be by him applied to the use of Schools of said County as he may direct.

Mr. Norman presented the following report:

*Mr. President :*

The Committee on Enrollment presented to the Governor, on yesterday, for his signature, the following Act:

An Act amendatory of an Act to provide for the permanent location of the Seats of Justice of the several Counties of this State, passed April 11, 1850, passed May 13, 1854.

W. B. NORMAN,  
Chairman.

Mr. Leake gave notice that he will introduce a bill to repeal an Act relative to Port Wardens in San Francisco and Sacramento and other ports in this State.

The following message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, )  
Sacramento, Feb. 1, 1855. }

*To the Senate of California :*

I have this day approved an Act which originated in the Senate, entitled an Act amendatory of an Act to provide for the permanent location of the Seats of Justice of the several Counties of this State, passed April 11, 1850, passed May 13, 1854.

JOHN BIGLER.

The President laid before the Senate the following communication from the Controller:

OFFICE OF CONTROLLER OF STATE, )  
Sacramento, Feb. 1, 1855. }

*To the Hon. the President of the Senate :*

Sir :—

In accordance with Senate resolution of January 31, I have the honor to submit the following statement:

Amount outstanding Controller's Warrants, December 20, 1854.	- - - - -	\$323,966 96
Issued since December 20, 1854,	- - - - -	135,623 02
Total,	- - - - -	459,589 98
Amount redeemed since December 20, 1854, as per State Treasurer's Report,	- - - - -	218,094 59
Outstanding Feb. 1, 1855,	- - - - -	241,495 39

SAM. BELL,  
Controller of State.

Laid on the table.

Mr. Crenshaw gave notice that, at an early day, he will introduce a bill amendatory of the Forty-Ninth Section of an Act entitled an Act to provide

Revenue for the support of the Government of this State, passed May 15, 1854.

Leave being granted, Mr. Crenshaw introduced a bill entitled an Act appropriating Money to pay Postage.

Read a first and second time, and referred to the Committee on Public Expenditures.

Mr. Hawks gave notice that he will, at an early day, introduce a bill for an Act amendatory of an Act entitled an Act to establish Pilot and Pilot Regulations for the Port of San Francisco, passed May 11, 1854.

Mr. McGarry presented the account of Soule & Co. for copies of the California Chronicle.

Referred to the Committee on Contingent Expenses.

The hour for the consideration of the special order, Senate bill No. 40, entitled an Act to create a Board of Supervisors in those Counties in this State where no such Board now exists, and to define their duties and powers, having arrived,

Mr. McFarland moved that the special order lie upon the table.

Lost.

The Senate, as in Committee of the Whole, proceeded to the consideration of the special order, Senate bill No. 10.

After some time spent therein, on motion of Mr. McGarry, the Committee rose and reported the bill to the Senate.

The report was concurred in, and,

On motion of Mr. Keene, the bill was ordered to be engrossed.

Mr. Norman presented the following report:

*Mr. President :*

The Chairman of the Committee upon Enrollment has examined and finds correctly enrolled, an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the expenses of State Printing which exist in the form of unpaid audited accounts, and for printing accounts not yet audited.

W. B. NORMAN,

Chairman.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed, an Act entitled an Act concerning Appeals in certain Cases.

G. W. COLBY,

Chairman.

Mr. Norman presented the following report:

*Mr. President :*

The Committee upon Enrollment presented to the Governor for his signature to-day, the following Act:



An Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Expenses of State Printing which exist in the form of unpaid audited accounts and for printing accounts not yet audited.

W. B. NORMAN,  
Chairman.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly, this day, passed a Concurrent Resolution directing the Controller of State to audit and allow the per diem pay of the officers and attachés of the Senate and Assembly under and according to the statute of this State, passed May the fifteenth, 1854, entitled an Act to amend an Act concerning the per diem of officers of the Senate and Assembly, passed January 21, 1854, until the date of its repeal.

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Burton moved that the Concurrent Resolution from the Assembly lie upon the table.

Agreed to.

The following message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, }  
Sacramento, Feb. 2, 1855. }

*To the Hon. the Senate of the State of California :*

I have this day approved an Act entitled an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Expenses of State Printing which exist in the form of unpaid audited accounts and of printing accounts not yet audited.

JOHN BIGLER.

Mr. Kendall submitted the following resolution:

*Resolved*, That the Senate Committee on Hospitals be instructed to visit the State Marine Hospital at San Francisco, with power to send for persons and papers, to examine the financial condition of the same, and also to examine into the conduct of all the parties connected in an official way with that Institution. Also, to visit the Insane Asylum at Stockton, examine into the affairs of the same, and report the condition of both these Institutions to the Senate immediately thereafter.

Adopted.

On motion of Mr. McGarry, the Senate adjourned.

SAM. PURDY,  
President of Senate.

WM. A. CORNWALL,  
Secretary of Senate.

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IN SENATE.

SATURDAY, February 3, 1855.

Senate met pursuant adjournment.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Leake asked leave of absence for Mr. French for one day.

Granted.

Mr. Colby asked leave of absence for Mr. Gove for two days.

Granted.

Mr. Keene presented the petition of citizens of Carson Valley and the adjacent Valley, praying for the establishment of Stations for the relief of persons traveling from Carson Valley to California.

Read and referred to the Committee on Internal Improvements.

Mr. Sprague, from the Judiciary Committee, presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 34, entitled an Act fixing the times of holding the Terms of the County Courts, Courts of Sessions and Probate Courts in and for Butte County.

Also, Assembly bill No. 68, entitled an Act to change the times of holding County and Session Courts in the County of Napa, and have directed me to report the same back without amendment, recommending their passage.

R. T. SPRAGUE.

Chairman.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee have had under consideration Assembly bill No 42, entitled an Act to create a Board of Supervisors for Alameda County, and

have directed me to report the same back, without amendment, recommending that the same be referred to the Senator from Santa Clara and Alameda.

R. T. SPRAGUE,  
Chairman.

On motion of Mr. Sprague, Assembly bill No. 42, was taken up and referred to the Senator from Santa Clara and Alameda.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration proposed amendments to section second, third, fifth, sixth and twenty-fifth of article four of the Constitution; also, to section second of article tenth, and have directed me to report the same back with sundry amendments, recommending their passage as amended.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration amendments to article eleventh, section one, of the Constitution of the State of California, and have directed me to report the same back without amendments, for the consideration of the Senate.

R. T. SPRAGUE,  
Chairman.

On motion of Mr. Crenshaw, the proposed amendments to the Constitution of the State of California, were severally taken from the table and made a special order for Tuesday next, 6th inst., at 12 M.

On motion of Mr. McGarry, Assembly bill No. 68, entitled an Act to change the time of holding County and Session Courts in the County of Napa, was taken from the table.

Read a third time and passed.

The question being, "Shall the title of the bill stand?"

Mr. Tuttle moved to amend the title so as read as follows:

An Act to change the time of holding Courts of Sessions and County Courts in the County of Napa.

Agreed to.

The title as amended was adopted.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly did, on the 31st January, 1855, pass the following Assembly bills:

No. 32, An Act to authorize J. R. M. Owen, of Butte County, to demand and collect Tolls on what is known as Owen's Turnpike.

No. 57, An Act authorizing J. Buckhalter, and such others as he may associate with him, to build and construct a Wagon Road from Corbitt's Inn to the Cow and Calf Ranch in the County of Mariposa.

No. 64, An Act to provide for the payment of the Salary of W. H. Harvey for the term of time said Harvey may have served as County Judge of the County of Tulare.

No. 66, An Act granting to Edward De Witt and others the right to construct a Toll-Bridge across the Klamath River.

All of which is respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Stebbins submitted the following resolution:

*Resolved*, That the Controller of State be directed to audit and allow to James Miller forty-eight dollars; Wm. McQueen twelve dollars; J. C. Steel forty eight dollars; F. A. Hassey twenty-four dollars; W. H. Chipman forty-eight dollars; James McLaughlin twenty-four dollars; C. A. Hillman two hundred and seventy-six dollars; and to F. O'Brien two hundred and eighty-eight dollars; to J. H. Langley two hundred and sixty-four dollars, for services rendered as Clerks of the Senate.

Mr. Mr. McFarland moved that the resolution be adopted.

Mr. Leake moved to amend by striking out the words "to C. A. Hillman two hundred and seventy-six dollars, and to J. H. Langley two hundred and sixty-four dollars.

Lost.

Mr. Leake moved that the resolution be laid upon the table.

Lost.

Messrs. McGarry, Leake and Whiting demanded the ayes and noes with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, Hall, Hawthorne, Heintzelman, Keene, Kendall, Lippincott, May, McCoun, McNeil, Rust, Scellen, Sprague, Stebbins and Whiting—18.

NOES.

Messrs. Hook, Leake, Mandeville, McGarry, Norman and Tuttle—6.



According to previous notice, Mr. Rust introduced a bill entitled an Act amendatory of an Act concerning the office of County Treasurers.

Read a first and second time and referred to the Judiciary Committee.

The President laid before the Senate a communication from the Secretary of State and Superintendent of Public Buildings, in regard to the preparation of the Capitol Building for the reception of the Legislature, and recommending that such portions of the public furniture as are exempt from further use in the Capitol to be turned over to the Common Schools of Sacramento County.

Read and referred to the Committee on Public Expenditures.

Mr. Kendall moved that the Senate re-consider the vote taken yesterday on the adoption of the resolution instructing the Senate Committee on Hospitals to visit the State Marine Hospital at San Francisco, and the Insane Asylum at Stockton, and to investigate the affairs of those Institutions.

Agreed to.

Mr. Colby presented the following substitute:

*Resolved*, (the Assembly concurring), That the Chairman of the Senate Committee on Hospitals, and the Chairman of the House Committee on Hospitals, be instructed to visit the State Marine Hospital at San Francisco, (with power to send for persons and papers), to examine the financial condition of the same; and, also, to examine into the conduct of all parties connected in an official way with that Institution; also, to visit the Insane Asylum at Stockton, examine into the affairs of the same, and report the condition of both these Institutions to the respective Houses.

*Resolved*, That said Committee have power to employ a Clerk, if they should deem the same necessary during their examination.

Mr. McCoun submitted a substitute to the substitute.

Rejected.

Mr. McCoun moved to strike out the second subdivision of the substitute offered by Mr. Colby, instructing the Chairmen of the Committees to visit the Insane Asylum at Stockton.

Agreed to.

Mr. Hawthorne moved to amend the first subdivision by inserting after the word "Hospitals," the words, "and two of the members of the Committee on Hospitals in each House."

Adopted.

Mr. Whiting moved to strike out the resolution authorizing the Committee to employ a Clerk.

Adopted.

The substitute, as amended, was passed in the following words:

*Resolved*, (the Assembly concurring) That the Chairman of the Senate Committee on Hospitals, and the Chairman of the House Committee on Hospitals, and two of the members of the Committee on Hospitals in each House, be instructed to visit the State Marine Hospital at San Francisco, (with power to send for persons and papers), to examine the financial condition of the same, also, to examine into the conduct of all parties connected in an official way with that Institution.

Mr. Moore presented the following report:

*Mr. President :*

The Committee on Finance, to whom was referred Senate bill No. 3, entitled a bill for an Act concerning the office of Treasurer of State, have had the same under consideration, and report it back with the following amendments, and recommend its passage.

E. J. MOORE,  
S. DAY,  
P. C. RUST,  
CHAS. A. TUTTLE.

Laid upon the table.

Mr. Mandeville gave notice that he will, at an early day, introduce a bill to authorize the construction of a Wagon Road from the City of Oakland, across the Coast Range, through Stanislaus County, to the City of Sonora.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly, this day, passed a Concurrent Resolution requiring the State Treasurer to report to the Senate and Assembly the financial operations and condition of the State Treasury up to the first day of February, 1855.

J. M. ANDERSON,  
Clerk of Assembly.

Mr. French submitted the following report:

*Mr. President :*

Your Committee on Public Expenditures, to whom was referred Senate bill No. 48, to appropriate money to pay Postage, report the same back, without amendment, and recommend its passage.

A. FRENCH,  
Chairman.

Adopted.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed, a bill for an Act entitled an Act to create a Board of Supervisors in those Counties in the State where no such Board now exists, and to define their duties and powers.

G. W. COLBY,  
Chairman.

Leave being granted, Mr. Kendall introduced a bill entitled an Act to create the Thirteenth Judicial District.

Read a first and second time and referred to the Judiciary Committee.

Mr. Rust moved to take from the table resolutions authorizing the Standing Committees of the Senate to appoint Clerks.

Agreed to.

Mr. Rust submitted a substitute to the resolutions, and,

On motion of Mr. French, the subject was laid upon the table.

Leave being granted, Mr. Crenshaw introduced a bill entitled an Act concerning the Treasurer's and Controller's Offices.

Read a first and second time and referred to the Judiciary Committee.

Mr. Mandeville moved to take from the table Senate bill No. 48, entitled an Act appropriating money to pay Postage.

Agreed to.

By unanimous consent the bill was laid temporarily upon the table.

Mr. Hawks moved that when the Senate adjourn they adjourn to meet again on Tuesday, the 6th inst., at 11 o'clock.

Upon which Messrs Sprague, French and Norman demanded the ayes and noes with the following result:

#### AYES.

Messrs. Colby, Day, Gove, Hall, Hawks, Hawthorne, Heintzelman, Lippincott, McCoun, McGarry, Moore, Rust, Scellen and Whiting—14.

#### NOES.

Messrs. Burton, Crenshaw, French, Hook, Keene, Leake, Mandeville, McFarland, McNeil, Norman and Sprague—11.

Mr. Keene gave notice that he will, on Tuesday next, introduce a bill for an Act authorizing the State Treasurer to overdraw the General Fund to the amount of fifty thousand dollars.

Mr. Colby gave notice that he will, at an early day, introduce a bill for districting this State into Congressional Districts.

The Senate resumed the consideration of Senate bill No. 48, entitled an Act appropriating money to pay Postage.

Mr. Whiting submitted the following amendment:

In section first, strike out the words "first moneys that shall come into the General Fund," and insert, in lieu thereof, the words, "the sum heretofore appropriated to pay members of the Legislature one thousand dollars each."

Lost.

The bill was read a third time and passed.

Mr. Burton moved that the Senate adjourn.

Agreed to.

The Senate adjourned till Tuesday next at 11 o'clock

SAMUEL PURDY,

President of Senate.

WM. A. CORNWALL,

Secretary of Senate.

## IN SENATE.

TUESDAY, February 6, 1855.

The Senate met pursuant to adjournment.

President in the chair.

The Journal of Saturday was read and approved.

Mr. Hook presented the petition of ladies of El Dorado County, praying for the passage of an Act closing all business houses on Sunday.

Referred to the Committee on Public Morals and Police.

Mr. Heintzelman presented the petition of citizens of the State of California praying for the enactment of a prohibitory liquor law.

Referred to the Committee on Public Morals and Police.

Mr. Heintzelman presented the petition of citizens of the State of California, praying for the better observance of the Sabbath.

Read and referred to the Committee on Public Morals and Police with instructions to report a bill.

Mr. Hook presented the following report:

*Mr. President :*

The Committee on Indian Affairs, to whom was referred a bill for an Act in relation to the Indian War Debt of the State, have had the same under consideration, and report the same back, with an amendment to section third, and recommend the passage of the bill.

G. W. HOOK,  
Chairman.

Laid upon the table.

Mr. Norman presented the following report:

*Mr. President :*

The Committee on Enrollment have examined and found correctly enrolled the following :

An Act to amend the Forty-Seventh Section of an Act entitled an Act concerning Officers, passed April 28, 1851.

A Joint Resolution in relation to the construction of a Breakwater in the Harbor of Crescent City in this State.

Senate bill No. 23, entitled an Act to repeal an Act entitled an Act concerning the per diem of Officers of the Senate and Assembly, passed January twenty-first, eighteen hundred and fifty-four, passed May 15, 1854, and to re-enact and re-instate an Act concerning the per diem of Officers of the Senate and Assembly, passed February 4, 1854.



An Act to change the name of Caroline L. Ketchum to Caroline L. Pixley.

An Act to authorize the Governor to appoint Commissioners to the World's Industrial Exhibition to be holden at Paris in the year 1855.

W. B. NORMAN,  
Chairman.

Mr. Kendall gave notice that he will, on to-morrow or at an early day thereafter, introduce a bill for the better defining and more permanent establishment of the Boundary Line between the Counties of Tuolumne and Stanislaus.

The President laid before the Senate the following communication from the State Treasurer:

STATE TREASURY DEPARTMENT, }  
Sacramento, Feb. 2, 1855. }

*To the Hon. the President of the Senate :*

In accordance with Senate resolution requiring the State Treasurer to furnish the Senate with the amount of outstanding Controller's Warrants at this date, and the amount redeemed since the 20th December, 1854, I beg leave to report the following statement which includes February 1:

The amount of redemption since December 20, 1854:

For Cash, - - - - -	\$134,908 40
Taxes, - - - - -	75,785 97
State Property, - - - - -	7,801 02
	<hr/>
	\$218,495 39

The amount issued since December 20:

On General Fund, - - - - -	\$115,767 72
Miscellaneous, - - - - -	19,855 30
	<hr/>
	135,623 02

Redemption greater than issue, - - - - -	\$ 82,872 37
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Controller's Warrants outstanding December 20, 1854, -	\$323,966 96
Deduct from that amount, - - - - -	82,872 37
	<hr/>

Outstanding Controller's Warrants Feb. 1, 1855, -	241,094 39
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I have the honor to be,

Very respectfully,

Your obedient servant,

S. A. McMEANS,  
State Treasurer.

On motion of Mr. Crenshaw, it was laid upon the table.

Mr. McGarry moved to take from the table Senate bill No. 7, entitled an Act to authorize David N. Darlington, Josiah Hanscom and others to build a Wharf at Vallejo in Solano County.

Agreed to.

Mr. Sprague submitted an amendment to the bill in the following words:

Strike out the words "Court of Sessions," in section second, and insert in lieu thereof the words "Board of Supervisors."

Adopted.

Mr. Sprague submitted a further amendment as follows:

Strike out the words "two hundred feet," in section first, and insert in lieu thereof the words "fifty feet."

Mr. Keene submitted an amendment to the amendment, as follows:

Strike out the words "two hundred feet," in section first, and insert in lieu thereof the words "one hundred feet."

Mr. Burton called for a division of the question, which, being had, the motion to strike out was decided in the affirmative, and the amendment submitted by Mr. Keene was adopted.

On motion of Mr. McGarry, the bill, as amended, was considered as engrossed, read a third time and passed.

According to previous notice, Mr. Keene introduced a bill entitled an Act authorizing the State Treasurer to overdraw the General Fund the amount of fifty thousand dollars.

Read a first and second time, and,

On motion of Mr. Keene, made a special order for to-morrow at 12 o'clock, M.

According to previous notice, Mr. Crenshaw introduced a bill entitled an Act amendatory of an Act entitled an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854.

Read a first and second time and referred to the Committee on Finance.

Mr. McFarland moved to take from the table Senate bill No. 2, entitled an Act to Fund the Indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 30th day of June, A. D., 1853, and the first day of July, A. D., 1855.

Agreed to.

The question being then on concurring with the Committee of the Whole in their report of the 30th January ultimo.

Mr. Burton moved that the Senate concur with the Committee of the Whole in their report.

Agreed to.

And the report was concurred in.

Mr. Leake renewed his motion that the bill be indefinitely postponed.

Upon which Messrs. Burton, Leake and Mandeville demanded the ayes and noes, with the following result:

AYES.

Messrs. French, Leake, May, McFarland, Norman, Stebbins and Tuttle—7.

NOES.

Messrs. Burton, Colby, Gove, Hawks, Hawthorne, Hook, Keene, Lippincott, McGarry, McNeil, Moore, Peck, Rust, Scellen, Sprague and Whiting—16.

The bill was read a third time, and the question being, "Shall the bill pass?" Mr. Keene moved that the bill lie upon the table.  
Agreed to.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on the first of February, 1855, Assembly bill No. 61, An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Also, Assembly bill No. 75, An Act to authorize the County of Sacramento to Fund the outstanding Warrants drawn against the Court House and Jail Fund of the County.

Also, passed on the 2d inst., Assembly bill No. 93, An Act to compensate William Coats and Samuel R. Weed for reporting the evidence in the Contested Election Case between E. R. Galvin and Samuel McCurdy.

Also, on the 3d inst., Senate Concurrent Resolution No. 9, regarding the appointment of Clerks and pay of the same.

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 61, entitled an Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 75, entitled an Act to authorize the County of Sacramento to Fund the outstanding warrants drawn against the Court House and Jail Fund of the County.

Read a first and second time, referred to the Sacramento Delegation and ordered printed.

Assembly bill No. 93, entitled an Act to compensate William Coats and Samuel R. Weed for reporting the evidence in the Contested Election Case between E. R. Galvin and Samuel McCurdy.

Read a first and second time and referred to the Committee on Claims.

On motion of Mr. Peck, Assembly bill No. 34, entitled an Act fixing the times of holding the Terms of the County Courts, Courts of Sessions and Probate Courts in and for Butte County, was taken from the table.

Read a third time and passed.

Mr. Peck moved that the Senate take a recess of fifteen minutes.

Agreed to.

At the expiration of that time the Senate re-assembled.

The following message was received from the Assembly through their Clerk :

*Mr. President :*

I am directed to inform the Senate that the Assembly are now ready to meet the Senate in Joint Convention.

J. M. ANDERSON,  
Clerk of Assembly.

The Senate then repaired to the Assembly Chamber.

### IN CONVENTION.

The two Houses met in the Hall of the Assembly in Joint Convention, to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Mr. De La Guerra, Hook and Flint were absent.

Mr. Douglas, of the Assembly, submitted the following resolution:

*Whereas*, This Joint Convention seems to be sitting without the slightest probability of success, and as there is no hope of a satisfactory termination of our labors by an election of a United States Senator; therefore,

*Resolved*, That when this Convention do adjourn that it adjourn *sine die*.

Laid on the table.

Mr. Smith, of the Assembly, submitted the following resolution:

*Resolved*, That this Convention now adjourn to meet again directly after all other business than that of the election of United States Senator shall have been disposed of, when the two separate bodies shall again meet in Joint Convention, and continue from day to day, without compensation, until the Senatorial question shall have been decided.

Laid on the table.

The Convention then proceeded to take the fortieth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil, Norman of the Senate, and



Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, McCutchan, McConnell, Murdock, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Tahaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peek and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Oxley, Rowe, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Caummet, Flournoy, Gaver, Geller, Jones, Rodgers, Stewart and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Messrs. Ashley, Ferrell and Kinney, of the Assembly, voted for Mr. Whitesides.

Mr. Buffum, of the Assembly, voted for I. C. Woods.

Messrs. Clayton and Phelps, of the Assembly, voted for S. J. Field.

Mr. Ryland, of the Assembly, voted for Ed. Norton.

Mr. Sherrard, of the Assembly, voted for W. T. Barber.

Whole number of votes cast, one hundred and six.

Necessary to a choice, fifty-four.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-eight votes.

Mr. Edwards received thirty-four votes.

Mr. McCorkle received thirteen votes.

Mr. Whitesides received three votes.

Mr. McDougal received one vote.

Mr. Woods received one vote.

Mr. Field received two votes.

Mr. Norton received one vote.

Mr. Barber received one vote.

Mr. Oxley, of the Assembly, offered the following resolution:

*Resolved*, That this Convention do now adjourn to meet again on Thursday the twenty-second day of this month, at 2 o'clock, P. M.

Laid upon the table.

No person having received a majority of all the votes cast, the Convention then proceeded to take the forty-first vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lipincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and

Messrs. Brown of Nevada, Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Burke, Cory, Curtis, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Oxley, Rowe, Updegraff, Waite, Whitney, and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Cammet, Gaver, Rodgers, Stewart and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Messrs. Ashley and Ryland, of the Assembly, voted for Ed. Norton.

Mr. Buffam, of the Assembly, voted for J. D. Stevenson.

Messrs. Clayton and Phelps, of the Assembly, voted for Mr. Field.

Mr. Coombs, of the Assembly, voted for Mr. Latham.

Messrs. Ferrell, Flournoy, Geller, Jones and Kinney of the Assembly, voted for Mr. Whitesides.

Mr. Murdock, of the Assembly, voted for John Addison.

Mr. Sherrard, of the Assembly, voted for Mr. Barber.

Whole number of votes cast, one hundred and seven.

Necessary to a choice, fifty-four.

Mr. Broderick received thirteen votes.

Mr. Gwin received thirty-five votes.

Mr. Edwards received thirty-five votes.

Mr. McCorkle received ten votes.

Mr. McDougal received one vote.

Mr. Norton received two votes.

Mr. Stevenson received one vote.

Mr. Field received two votes.

Mr. Latham received one vote.

Mr. Whitesides received five votes.

Mr. Addison received one vote.

Mr. Barber received one vote.

On motion of Mr. McFarland, of the Senate, the Convention adjourned till to-morrow at 2 o'clock.

The Senate returned to their Chamber.

On motion of Mr. McFarland, the Senate adjourned.

SAM. PURDY,  
President of Senate.

WM. A. CORNWALL,  
Secretary of Senate.

## IN SENATE.

WEDNESDAY, February 7, 1855.

Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Stebbins, from the Committee on Escheated Estates, presented the following report:

*Mr. President :*

The Committee on Escheated Estates, to whom was referred a communication from the Attorney General; and, also, an Act to provide for the prosecution of Escheated Estates, have had the same under consideration, and have directed me to report the same back to the Senate, with the following amendments to the bill, with a recommendation that they be adopted and the bill passed.

Amend section two, third line from bottom, after the word "case" insert the words "for what purpose the money was expended, and to whom paid;" also, in same line, strike out the word "in" and insert the word "for."

Add as section third, "Whenever any money or property has been declared by the legal tribunals escheated to this State, the Treasurer of State shall transfer from the School Fund to the General Fund, out of the first moneys received into the Treasury from any estate, the full amount of all moneys drawn from the General Fund to prosecute the right of the State to said estate."

Respectfully submitted,

JAMES G. STEBBINS,

Chairman.

A. S. GOVE,

D. MAHONEY,

CHAS. A. TUTTLE,

Laid upon the table.

Mr. Flint, from the Committee on Claims, presented the following report:

*Mr. President :*

Your Committee have examined the bill for the relief of William Coats and Samuel R. Weed, for reporting the evidence in the Contested Election Case between Mr. Galvin and Mr. McCurdy in the House, and recommend its passage.

WILSON FLINT,

P. C. RUST,

J. W. MANDEVILLE.

Laid on the table.

Mr. Sprague, from the Judiciary Committee, presented the following report :

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 45, entitled an Act supplementary to an Act entitled an Act to provide for the sale of the interest of the State of California within the Water Line Front of the City of San Francisco as defined in an Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, and have directed me to report the same back, with sundry amendments, recommending its passage as amended.

R. T. SPRAGUE,

Chairman.

Laid upon the table.

Mr. Hawks, from the Judiciary Committee, presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 39, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Escheated Estates, passed May 4, 1852, and have directed me to report the same back, with sundry amendments, recommending its passage as amended.

W. W. HAWKS,

Of Committee.

Laid upon the table.

Mr. McFarland presented the following report:

*Mr. President :*

The Committee on Hospitals, to whom was referred Senate bill No. 16, for an Act to repeal an Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick in this State, have had the same under consideration, and report it back, with an amendment to section second, and most earnestly recommend the passage of the bill.

The Committee beg leave to state that, at an early day, they will introduce two several bills, one for settling properly the affairs of the present Hospital, the other to provide means for taking care of the Indigent Sick in the various Counties of this State.

J. P. McFARLAND.

Chairman.

Laid upon the table.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on the sixth inst., Senate bill No. 34, An Act to authorize Married Women to convey Real Estate held by them in their own right.



Also, have concurred, on the sixth instant, in Senate amendment to Assembly bill No. 68, An Act to change the time of holding Courts of Sessions and County Courts in the County of Napa.

Also, Assembly bill No. 80, An Act for the support and maintenance of the Indigent Sick of Calaveras County.

Also, Assembly bill No. 96, An Act to repeal the Sixth Section of an Act entitled an Act to provide for Funding the Debt of San Joaquin County, for the payment of the interest due thereon, and for the gradual liquidation of the Debt, approved April 21, 1852, and to annul the thirteenth section of the same.

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Norman presented the following report:

*Mr. President :*

The Committee on Enrollment have this day presented to the Governor, for his signature, the following:

An Act to amend the Forty-Seventh Section of an Act entitled an Act concerning Officers, passed April 28, 1851.

A Joint Resolution in relation to the construction of a Breakwater in the Harbor of Crescent City in this State.

Senate bill No. 23, entitled an Act to repeal an Act entitled an Act concerning the per diem of Officers of the Senate and Assembly, passed January twenty-first, eighteen hundred and fifty-four, passed May 15, 1854, and to re-enact and to re-instate an Act concerning the per diem of Officers of the Senate and Assembly, passed February 4, 1854.

An Act to change the name of Caroline L. Ketchum to Caroline L. Pixley.

An Act to authorize the Governor to appoint Commissioners to the World's Industrial Exhibition to be holden at Paris in the year 1855.

W. B. NORMAN,  
Chairman.

Assembly bill No. 32, entitled an Act to authorize J. R. N. Owen, of Butte County, to demand and collect Tolls on what is known as Owen's Turnpike.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 57, entitled an Act authorizing J. Bueckhalter, and such others as he may associate with him, to build and construct a Wagon Road from Corbitt's Inn to the Cow and Calf Ranch in the County of Mariposa.

Read a first and second time and referred to the Committee on Corporations.

Assembly bill No. 64, entitled an Act to provide for the payment of the Salary of W. H. Harvey for the term of time said Harvey may have served as County Judge of the County of Tulare.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 66, entitled an Act granting to Edward De Witt and others the right to construct a Toll-Bridge across the Klamath River.

Read a first and second time and referred to a Select Committee of two.

The President appointed Messrs. May and Sprague as such Committee.

Mr. Colby presented the petition of citizens of Sacramento County praying

for the passage of a law imposing penalties upon persons permitting stock to run at large.

Read and referred to the Committee on Agriculture.

Leave being granted, Mr. McGarry introduced a bill entitled an Act to authorize John W. Owen to build a Wharf in Solano County.

Read a first and second time and referred to the Committee on Commerce and Navigation.

The President laid before the Senate a communication from the Board of California State Land Commissioners, in answer to a resolution of the Senate directing them to report to the Senate the total amount now due the State for lands heretofore sold, etc.

Read and laid upon the table.

Leave being granted, Mr. Mandeville introduced a bill entitled an Act to authorize C. M. Radcliff, E. S. Marvin, G. W. Van Benschoten and Horace Carpenter to construct a Turnpike Road from the City of Oakland across the Coast Range to the City of Sonora.

Read a first and second time and referred to the Delegation from Contra Costa, San Joaquin and Tuolumne Counties.

Mr. Day gave notice that he will, on Friday next, or on an early day thereafter, introduce a bill to provide for the survey and improvement of Emigrant Roads across the Sierra Nevada.

Leave being granted, Mr. Leake introduced a bill for an Act to authorize the Controller of State to issue a Duplicate Warrant to S. H. Marlette.

Read a first and second time and referred to the Committee on Public Expenditures.

Mr. Rust gave notice that, at an early day, he will introduce a bill amendatory of an Act entitled an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854.

Leave being granted, Mr. Heintzelman introduced a bill entitled an Act to provide for taking the Second Census.

Read a first and second time and referred to the Judiciary Committee, and,

On motion of Mr. McFarland, the usual number of copies were ordered printed.

Mr. Whiting gave notice that he will, on to-morrow, introduce a bill for an Act to provide for certifying and removing certain Civil Cases from the District Courts of this State to the United States District Courts; and to remove by Writ of Error certain other Civil Cases from the Superior Court of this State to the Superior Court of the United States.

Mr. Kendall submitted the following resolution:

*Resolved*, That the Senate employ, during the present session, an official reporter, whose duty it shall be to give a faithful report of the business transacted, and all important debates upon the same; *provided*, that said reporter shall secure the publication of such reports in one or more daily papers, free of cost to the State; *and, provided, also*, that one of said papers be published in Sacramento.

Adopted.

Mr. Keene moved to take from the table the report of the Committee on Hospitals recommending the passage of the bill entitled an Act to repeal an Act entitled an Act to provide for the establishment of a State Marine Hospi-

tal at San Francisco, and to provide for the Indigent Sick in this State, with an amendment.

Agreed to.

The question being on concurring with the report of the Committee, it was decided in the affirmative.

Mr. Colby moved that the bill be recommitted to the Committee on Hospitals with instructions to make provision for the indigent sick.

Lost.

Mr. Moore moved to re-commit the bill with instructions to report another bill providing for the charge of the sick now in the Hospital.

Lost.

Mr. Colby moved that the bill lie upon the table.

Lost.

Mr. Colby moved that the bill be postponed till Friday next.

Lost.

Mr. French moved the previous question.

The Chair having stated that the question was, "Shall the main question now be put?"

Mr. Sprague raised a question of order, that the question was not "Shall the main question now be put?" because the call for the previous question had not been sustained by a majority of the Senate present.

The point of order was sustained.

The question being then, "Shall the bill pass?"

Messrs. McFarland, French and Keene demanded the ayes and noes, with the following result:

#### AYES.

Messrs. Burton, Crenshaw, Day, Flint, French, Gove, Hawthorne, Heintzelman, Hook, Keene, Leake, Mandeville, May, McCoun, McFarland, McGarry, McNeill, Norman, Peck, Scellen, Sprague, Stebbins, Tuttle and Whiting—24.

#### NOES.

Messrs. Colby, Hall, Lippincott and Moore—4.

Mr. Keene moved to take from the table Senate bill No. 52, entitled an Act authorizing the State Treasurer to overdraw the General Fund to the amount of Fifty Thousand Dollars.

Agreed to.

Mr. Crenshaw moved that the bill lie upon the table.

Lost.

Mr. Moore submitted the following amendment:

Insert after the word "Treasury," in the first section, the words "except money in the Sinking Fund."

Lost.

Mr. Moore moved a call of the Senate.

Decided in the affirmative.

The roll was called and following Senators were absent:

Messrs. Colby, De La Guerra, Flint, Hawthorne, Heintzelman, Kendall, Mahoney, May, McGarry, Rust, Stebbins and Whiting.

On motion of Mr. Moore, Messrs. De La Guerra and Mahoney were excused.

On motion of Mr. Burton, the Sergeant-at-Arms was despatched after the Senators absent without leave.

Messrs. Heintzelman, May, McGarry and Kendall were severally admitted within the bar of the Senate and excused.

Mr. McFarland moved that further proceedings under the call be dispensed with.

Agreed to.

Mr. Keene moved that Senate bill No. 52, entitled an Act authorizing the State Treasurer to overdraw the General Fund to the amount of fifty thousand dollars, be ordered engrossed for a third reading.

Agreed to.

Mr. Crenshaw moved to take from the table the several amendments proposed to the Constitution of the State of California.

Upon which Messrs Sprague, Crenshaw and McNeil demanded the ayes and noes with the following result:

#### AYES.

Messrs. Burton, Colby, Crenshaw, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Leake, Mandeville, McCoun, McGarry, McNeil, Norman, Peck, Scellen, Sprague and Tuttle—19.

#### NOES.

Messrs. Day, Keene, Kendall, Lippincott, May and McFarland—6.

Mr. Crenshaw moved that the proposed amendments to the Constitution be made a special order for to-morrow at 12 o'clock M.

Agreed to.

Mr. Mandeville moved to take from the table Senate bill No. 2, entitled an Act to Fund the Indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 30th day of June, A. D., 1853, and the first day of July, A. D., 1855.

Agreed to.

Mr. Tuttle moved that the bill be made a special order for Tuesday next.

Lost.

Mr. Sprague moved that the bill be made a special order for Friday next, ninth inst., at 12 o'clock M.

Agreed to.

Mr. Kendall gave notice that he will, at an early day, introduce a bill to call a Convention of the people to revise the Constitution of the State.

Mr. Hawthorne gave notice that, at an early day, he will ask leave to introduce a bill to amend the Tenth and Eleventh Sections, Article Fourth, of an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854.

Mr. Rust moved that the Senate take a recess until 2 o'clock.

Agreed to.

Upon the arrival of that hour the Senate re-assembled.



The following message was received from the Assembly through their Clerk:

*Mr. President :*

I am directed to inform the Senate that the Assembly are now ready to meet the Senate in Joint Convention.

J. M. ANDERSON,  
Clerk of Assembly.

The Senate repaired to the Assembly Chamber.

### IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Messrs. De La Guerra, Mahoney, Moore and Rust, of the Senate, were absent.

Mr. Quinn offered the following resolution:

*Resolved*, That when this Convention do adjourn that it adjourn to meet again on the third Monday in March next, at 2 o'clock P. M.

Mr. May offered the following resolution as a substitute:

*Resolved*, That when this Convention adjourn they adjourn to meet on the 6th April next.

Mr. McFarland moved to lay on the table.

Upon which Messrs. French, Mandeville and Leake demanded the ayes and noes.

Those who voted in the affirmative were—

#### AYES.

Messrs. Burton, Colby, Day, Flint, Gove, Hall, Hawks, Hawthorne, Lippincott, Mahoney, McCoun, McFarland, Moore, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Cammet, Chase, Cory, Clayton, Covarrubias, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Gaylord, Gober, Gragg, Hosmer, Hunt, Keys, Kinney, Knox, Lincoln, McConnell, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Stewart,

Taylor, Updegraff, Vineyard, Waite, Wells, Whitney and Mr. Speaker, of the Assembly—67.

## NOES.

Messrs. Crenshaw, French, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McGarry, McNeil, Norman, Peck and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Geller, Johnson of El Dorado, Johnston of San Francisco, McCutchan, Mellus, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of Marin, Taliaferro and Watkins, of the Assembly—40.

The resolution was laid on the table.

Mr. Douglas offered the following resolution:

*Whereas*, There seems to be a fixed and settled determination on the part of the majority of this Convention not to elect a United States Senator, and as all efforts to harmonize have failed, and there being no probability of an election at this session of the Legislature; therefore, be it

*Resolved*, That when this Convention do adjourn, that it adjourn until the first day of January, 1856.

Mr. Crenshaw moved to lay on the table.

Agreed to.

The Convention then proceeded to take the forty-second vote.

Those who voted for Mr. D. C. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil, and Norman of the Senate and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnston of San Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Philip L. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry and Peck, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle, were—Messrs. Flint, May, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Gaver, Geller, Jones, Stewart and Wells, of the Assembly.

Mr. McFarland, of the Senate, voted for Mr. McDougal.

Messrs. Scellen, of the Senate, and Sherrard of the Assembly, voted for A. C. Peachy.

Messrs. Ashley, Rodgers and Ryland, of the Assembly, voted for H. S. Foote.

Messrs. Buffum and Phelps, of the Assembly, voted for I. C. Woods.

Mr. Clayton, of the Assembly, voted for Mr. Field.

Messrs. Coombs, Johnson of El Dorado, Smith of El Dorado, of the Assembly, voted for Mr. Latham.

Mr. Ferrell, of the Assembly, voted for B. Peyton.

Mr. Kinney, of the Assembly, voted for Mr. Whitesides.

Whole number of votes cast, one hundred and nine.

Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-five votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received twelve votes.

Mr. McDougal received one vote.

Mr. Foote received three votes.

Mr. Peachy received two votes.

Mr. Woods received two votes.

Mr. Field received one vote.

Mr. Latham received three votes.

Mr. Peyton received one vote.

Mr. Whitesides received one vote.

Mr. Buffum, of the Assembly, submitted the following resolution:

*Resolved*, That, having ballotted forty-two times for a United States Senator without arriving at any result, and there appearing to be no prospect of an election, this Convention, in order to prevent any further waste of time and money on the part of the Legislature in useless ballottings, do now adjourn *sine die*.

Mr. Crenshaw moved that the resolution lie upon the table.

Upon which the ayes and noes were demanded by Messrs. Crenshaw, Leake and French, with the following result:

#### AYES.

Messrs. Colby, Crenshaw, Day, Flint, French, Gove, Hall, Heintzelman, Hook, Keene, Kendall, Lippincott, May, McFarland, McGarry, McNeil, Moore Peck, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Amyx, Arrington, Baker, Bates, Brewton, Brown of Nevada, Cammet, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of Sierra, Curtis, Doughty, Farwell, Ferrell, Flournoy, Gaver, Gaylord, Geller, Hosmer, Hunt, Jones, Kinney, Knox, Lincoln, McConnell, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Stevens, Sherrard, Stewart, Taliaferro, Wells and Whitney, of the Assembly—64.

## NOES.

Messrs. Burton, Hawks, Hawthorne, Leake, Mandeville, McCoun, Norman and Tuttle, of the Senate, and

Messrs. Andrews, Ashley, Adkison, Beatty, Bogardus, Boles, Brown of Contra Costa, Buffum, Burke, Cory, Cunningham of El Dorado, Dana, Douglas, Farley, Foster, Ferguson, Gober, Gragg, Johnson of El Dorado, Johnston of San Francisco, Keys, McCutchan, Mellus, Palmer, Quinn, Ryland, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taylor, Updegraff, Vineyard, Watkins, Waite and Mr. Speaker—43.

Mr. Kendall, of the Senate, submitted the following:

*Resolved*, That when this Convention adjourn that it adjourn until next Wednesday, the 14th inst., at 2 o'clock.

Mr. Hawks, of the Senate, moved that the resolution lie upon the table.

Upon which the ayes and noes were demanded by Messrs. Stevens, Flournoy, and Mr. Speaker, with the following result:

## AYES.

Messrs. Colby, Crenshaw, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McCoun, McFarland, McGarry, McNeill, Norman, Peck, Scellen, Tuttle and Whiting, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Cammet, Clayton, Coombs, Cunningham of Sierra, Cunningham of El Dorado, Curtis, Douglas, Foster, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, McCutchan, McConnell, Murdock, Oxley, Palmer, Quinn, Rodgers, Stevens, Stevenson, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Watkins and Wells, of the Assembly—54.

## NOES.

Messrs. Burton, Flint, Hall, Hawks, Hawthorne, Lippincott, Mahoney, May, Moore, Rust, Sprague and Stebbins, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Ashley, Bates, Brown of Contra Costa, Buffum, Burke, Cory, Chase, Cook, Covarrubias, Dana, Doughty, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Gaylord, Gober, Geller, Gragg, Jones, Keys, Kinney, Knox, Lincoln, Mellus, Meredith, Moreland, Phelps, Rowe, Ryland, Sherrard, Stewart, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly—54.

Mr. Smith of Marin, of the Assembly, moved that the Convention adjourn until to-morrow at 2 o'clock.

Mr. Quinn, of the Assembly, moved to amend by inserting "21st inst."

Lost.

The question then being upon Mr. Smith's motion to adjourn until to-morrow at 2 P. M.

The ayes and noes were demanded by Messrs. French, Leake and Norman, with the following result:



## AYES.

Messrs. Burton, Day, Flint, Gove, Hall, Kendall, Lippincott, Mahoney, May, McCoun, McFarland, McGarry, Moore, Rust, Scellen, Stebbins, Tuttle and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Brown of Contra Costa, Cory, Clayton, Coombs, Covarrubias, Dana, Ferrell, Flournoy, Ferguson, Gaver, Gaylord, Gober, Gragg, Hosmer, Hunt, Kinney, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Rodgers, Stevens, Sherrard, Smith of Marin, Taylor, Updegraff, Vineyard, Waite, Wells and Mr. Speaker, of the Assembly—55.

## NOES.

Messrs. Colby, Crenshaw, French, Hawks, Hawthorne, Heintzelman, Hook, Keene, Leake, Mandeville, McNeil, Norman, Peck and Sprague, of the Senate, and

Messrs. Amyx, Ashley, Adkison, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Burke, Cammet, Chase, Cook, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Douglas, Doughty, Farwell, Farley, Foster, Geller, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, McCutchan, McConnell, Phelps, Quinn, Rowe, Stevenson, Singley, Smith of El Dorado, Stewart, Taliaferro, Watkins and Whitney, of the Assembly—54.

So the Convention adjourned till to-morrow at 2 o'clock.

The Senate returned to their Chamber.

On motion of Mr. May, the Senate adjourned.

SAMUEL PURDY,

President of Senate.

WM. A. CORNWALL,

Secretary of Senate.

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IN SENATE.

THURSDAY, February 8, 1855.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. McGarry presented the petition of citizens of Solano County praying for a Charter to erect a Wharf on Suisun Creek.

Read and referred to the Committee on Commerce and Navigation.

Mr. Kendall presented the petition of citizens of Tuolumne, Stanislaus and San Joaquin Counties, praying for authority to build a dam across the Stanislaus River.

Read and referred to the Committee on Mines and Mining Interests.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed, an Act to authorize David N. Darlington, Isaiah Hanscom and others to build a Wharf at Vallejo in Solano County.

Also, a bill for an Act to repeal an Act entitled an Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent sick in this State.

Also, a bill for an Act authorizing the State Treasurer to overdraw the General Fund to the amount of Fifty Thousand Dollars.

G. W. COLBY,  
Chairman.

Mr. Tuttle moved to take from the table resolutions authorizing the several Standing Committees to employ Clerks.

Agreed to.

Mr. Keene called for the reading of the report presented by the Joint Committee on the 25th ult., appointed to provide Committee Rooms for the Standing Committees of the Senate and Assembly; which, having been read,

Mr. Tuttle moved that the report be ordered printed.

Agreed to.

Mr. Keene submitted the following substitute to the resolutions:

*Resolved*, That the Committees on Finance and Claims be authorized to elect a Clerk.

That the Committees who meet in the room of the President of the Senate be allowed to elect a Clerk.

That the Committees who meet in the room on the corner of Seventh and J streets be allowed to elect a Clerk.

Adopted.

Mr. Mandeville moved that the substitute be referred to a Select Committee of three.

Lost.

Mr. French moved that the substitute be made a special order for Thursday next.

Lost.

Mr. French moved that the substitute lie upon the table.

Lost.

Mr. McFarland moved that the substitute be indefinitely postponed.

Upon which Messrs. McNeil, Leake and French demanded the ayes and noes with the the following result:

## AYES.

Messrs. Crenshaw, French, Hawks, Keene, Leake, McFarland, McNeil, Sprague and Stebbins—9.

## NOES.

Messrs. Day, Flint, Gove, Hawthorne, Heintzelman, Hook, Kendall, Lippincott, Mandeville, May, McGarry, Norman, Peck, Rust, Scellen and Tuttle—16.

Mr. Keene moved to amend the substitute by inserting after the word "that," in the first line, the words "whenever, in the opinion of the Committees, a Clerk is necessary."

Agreed to.

The question being then on the passage of the substitute,

Messrs. French, Leake and McNeil demanded the ayes and noes with the following result:

## AYES

Messrs. Day, Flint, Gove, Hawks, Hawthorne, Heintzelman, Keene, Kendall, Lippincott, Mandeville, May, McGarry, Peck, Rust, Scellen, Sprague and Tuttle—17.

## NOES.

Messrs. Crenshaw, French, Hook, Leake, McFarland, McNeil, Norman and Stebbins—8.

On motion of Mr. Crenshaw, the Senate, as in Committee of the Whole, proceeded to the consideration of the special order, the amendments proposed by Mr. Crenshaw to the Constitution of the State of California.

After some time spent therein, Mr. Sprague moved that the Committee rise.

Agreed to.

The report of the Committee of the Whole was concurred in and ordered to be engrossed for a third reading.

Leave being granted, Mr. Colby introduced a bill entitled an Act concerning Ejectments.

Read a first and second time and referred to the Committee on Agriculture and ordered printed.

Mr. Whiting presented the following report:

*Mr. President :*

The Committee on Corporations have had under consideration Assembly bill No. 57, and report the same back to the Senate, and recommend its passage as it passed the Assembly.

WHITING,

Chairman.

Laid upon the table.

Mr. Tuttle submitted the following resolution:

*Resolved*, That the Treasurer of State be requested to report to the Senate the total amount of money heretofore received from the sale of San Francisco Water Lot Property, the amount received from each sale heretofore made, and the amount now due on each sale heretofore made, and the total amount now due.

Mr. Leake submitted the following amendment:

Add after the word "due," in the last line, the words "and from whom the same is due."

Adopted.

Mr. Sprague moved to strike out from the resolution the words "of money."

Adopted.

The resolution, as amended, was passed.

According to previous notice, Mr. Whiting introduced a bill entitled an Act to provide for certifying and removing certain Cases from the Courts of this State to the United States Circuit Courts, and to remove, by Writ of Error, certain Cases from the Supreme Court of this State to the Supreme Court of the United States.

Read a first and second time and referred the Judiciary Committee and ordered printed.

Mr. Stebbins moved to take from the table Assembly Concurrent Resolution requiring the Controller to audit and allow the per diem pay of the officers and attachés of the Senate and Assembly, under the Act passed May 15, 1854, entitled an Act to amend an Act concerning the per diem of the officers of the Senate and Assembly, passed January 21, 1854, until the date of its repeal.

Agreed to.

Mr. Flint submitted the following substitute:

*Resolved*, (by the Senate, the Assembly concurring,) That the officers and attachés of the present Legislature draw their per diem under the Act of February 4, 1854.

Mr. Keene moved that the subject lie upon the table.

Agreed to.

Leave being granted, Mr. McGarry introduced a bill entitled an Act to cede certain property to the City of Benicia.

Read a first and second time and referred to the Committee on Commerce and Navigation.

Mr. Tuttle submitted the following resolution:

*Resolved*, That the Controller be requested to report to the Senate the amount of appropriation that will be required for the support of the different Departments of the State Government from the first day of February, 1855, to the first day of January, 1856.



Mr. Sprague moved to strike out the word "January," in the last line, and insert, in lieu thereof, the word "February."

Agreed to.

The resolution, as amended, was adopted,

The President laid before the Senate the memorial of Wm. B. Olds, relative to the purchase of the San Francisco Law Library by the State for a State Library,

Read and referred to the Committee on Libraries.

The following message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, }  
Sacramento, Feb. 7, 1855. }

*To the Hon. the Senate of the State of California :*

I have this day approved an Act which originated in the Senate, entitled an Act to authorize the Governor to appoint Commissioners to the World's Industrial Exhibition to be holden at Paris in the year 1855.

JOHN BIGLER.

EXECUTIVE DEPARTMENT, }  
Sacramento, Feb. 8, 1855. }

*To the Senate of California :*

I have this day approved the following Acts which originated in the Senate, viz :

An Act to amend the Forty-Seventh Section of an Act entitled an Act concerning Officers, passed April 28, 1854.

Also, An Act to repeal an Act entitled an Act to amend an Act concerning the per diem of Officers of the Senate and Assembly, passed January 21, 1854, and to re-instate and re-enact an Act entitled an Act concerning the per diem of Officers of the Senate and Assembly, passed February 4, 1854.

Also, An Act to change the name of Caroline L. Ketchum to that of Caroline L. Pixley.

Also, Senate Joint Resolution relative to the construction of a Breakwater in the Harbor of Crescent City.

JOHN BIGLER.

Mr. French moved that the Senate take a recess of five minutes.

Agreed to.

At the expiration of that time the Senate re-assembled.

The following message was received from the Assembly through their Clerk:

*Mr. President :*

I am directed to inform the Senate that the Assembly are now ready to meet the Senate in Joint Convention.

J. M. ANDERSON,  
Clerk of Assembly.

The Senate repaired to the Assembly Chamber.

### IN CONVENTION.

The two Houses met in the Hall of the Assembly in Joint Convention, to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that Messrs. Crenshaw, De La Guerra, Mahoney, McCoun, Peck, Rust, Scellen and Whiting were absent.

Mr. Chase, of the Assembly, submitted the following resolution:

*Whereas*, There seems to be a fixed determination on the part of some members to interrupt the business of this Convention by introducing motions and resolutions to take up the time; therefore,

*Resolved*, That this Convention do meet from day to day, at 2 o'clock, P. M., and ballot each day not less than four times, until a United States Senator is elected, not adjourning more than three days at any one time.

Laid upon the table.

The Convention then proceeded to take the forty-third vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Rust and Stebbins, of the Senate, and

Messrs. Cammet, Geller, Jones, Stewart and Wells, of the Assembly.

Those who voted for Mr. Roman were—Messrs. May and McFarland, of the Senate, and

Messrs. Ashley, Clayton, Ferrell, Flournoy, Gaver, Phelps and Ryland, of the Assembly.

Mr. Buffum, of the Assembly, voted for J. D. Stevenson.

Mr. Coombs, of the Assembly, voted for Mr. Latham.

Mr. Doughty, of the Assembly, voted for B. Peyton.

Mr. Kinney, of the Assembly, voted for Mr. Whitesides.

Mr. Rodgers, of the Assembly, voted for Mr. Crittenden.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-eight votes.

Mr. Edwards received thirty-six votes.

Mr. McCorkle received eight votes.

Mr. Roman received nine votes.

Mr. Peyton received one vote.

Mr. Stevenson received one vote.

Mr. Whitesides received one vote.

Mr. Crittenden received one vote.

Mr. Latham received one vote.

Mr. Arrington, of the Assembly, submitted the following:

*Resolved*, That this Convention do now adjourn until Tuesday, the 13th inst., at 2 o'clock, P. M.

Laid upon the table.

No person having received a majority of all the votes cast, the Convention then proceeded to take the forty-fourth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and

Messrs. Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnston of San Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McGarry and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney, and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, Peck and Rust, of the Senate.

Those who voted for Mr. Roman were—Messrs. May, McFarland, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Clayton, Ferrell, Flournoy, Gaver, Geller, Johnson of El Dorado, Jones, Palmer, Rodgers, Ryland, Sherrard and Stewart, of the Assembly.

Mr. Adkison, of the Assembly, voted for Col. J. Allen.

Mr. Buffum, of the Assembly, voted for S. P. Webb.

Mr. Burke, of the Assembly, voted for Mr. Stow.

Mr. Chase, of the Assembly, voted for Mr. McConnell.

Mr. Coombs, of the Assembly, voted for Mr. Latham.

Mr. Kinney, of the Assembly, voted for Mr. Whitesides.

Mr. Wells, of the Assembly, voted for Jno. Bidwell.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Broderick received eleven votes.

Mr. Gwin received thirty-five votes.

Mr. Edwards received thirty-four votes.

Mr. Roman received eighteen votes.

Mr. McCorkle received three votes.

Mr. McConnell received one vote.

Mr. Allen received one vote.

Mr. Webb received one vote.

Mr. Latham received one vote.

Mr. Whitesides received one vote.

Mr. Bidwell received one vote.

Mr. Stow received one vote.

Mr. Brown of Nevada, of the Assembly, submitted the following:

*Resolved*, That this Convention, now in session for the purpose of electing a United States Senator in the place of the Hon. Wm. M. Gwin, whose term of office expires the fourth day of March next, do now adjourn over to the first Monday in April next, at the usual hour of holding said Convention.

Mr. Flint, of the Senate, moved to lay the resolution on the table.

Upon which the ayes and noes were demanded by Messrs. Leake, French and Taliaferro, with the following result:

#### AYES.

Messrs. Burton, Colby, Day, Flint, Gove, Hall, Hawks, Hawthorne, Lippincott, Mahoney, May, McFarland, Moore, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Ashley, Adkison, Bates, Brown of Contra Costa, Cammet, Cory, Chase, Clayton, Coombs, Covarrubias, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Geller, Gaylord, Gober, Gragg, Hosmer, Hunt, Jones, Keys, Kinney, Knox, Lin-



coln, McCutchan, Mellus, Meredith, Moreland, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Stewart, Taylor, Updegraff, Watkins, Waite, Wells, Whitney and Mr. Speaker, of the Assembly—69.

#### NOES.

Messrs. Crenshaw, French, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McGarry, McNeil, Norman, Peck and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Burke, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, McConnell, Murdock, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard of the Assembly—39.

Mr. Whiting of the Senate moved that the Convention adjourn until to-morrow at 2 o'clock, P. M.

Upon which the ayes and noes were demanded by Messrs. McGarry, Whiting and French, with the following result:

#### AYES.

Messrs. Burton, Crenshaw, Flint, Gove, Hall, Hawthorne, Lippincott, Mahoney, McGarry, Peck, Rust, Scellen, Sprague, Whiting, of the Senate, and

Messrs. Arrington, Brown of Contra Costa, Brown of Nevada, Burke, Clayton, Covarrubias, Farwell, Ferguson, Gragg, Hosmer, Hunt, Keys, Knox, McConnell, Mellus, Meredith, Murdock, Oxley, Palmer, Stevenson, Sherrard, Smith of Marin, Updegraff, Wells, Mr. Speaker of the Assembly—39.

#### NOES.

Messrs. Colby, Day, French, Hawks, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McFarland, McNeill, Moore, Norman, Stebbins, Tuttle, of the Senate, and

Messrs. Andrews, Amyx, Ashley, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Buffum, Canmet, Cory, Chase, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Douglass, Doughty, Farley, Ferrell, Flournoy, Foster, Gaver, Gaylord, Geller, Gober, Johnson of El Dorado, Johnston of San Francisco, Jones, Kinney, Lincoln, McCutchan, Moreland, Phelps, Quinn, Rodgers, Rowe, Ryland, Stevens, Singley, Smith of El Dorado, Stewart, Taliaferro, Taylor, Vineyard, Watkins, Waite, Whitney, of the Assembly—68.

So the Convention refused to adjourn.

Mr. Hosmer, of the Assembly, submitted the following resolution :

*Resolved*, That this Convention do now adjourn until Tuesday, the 20th inst., at 2 o'clock, P. M.

Laid upon the table.

Mr. Murdock, of the Assembly, submitted the following resolution :

*Resolved*, That this Convention do now adjourn until Wednesday next, at 2 o'clock, P. M.

Laid upon the table.

On motion of Mr. Kendall, the Convention adjourned until to-morrow, at 2 o'clock, P. M.

The Senate returned to their Chamber, and,  
On motion of Mr. Flint, the Senate adjourned.

SAMUEL PURDY,  
President of Senate.

WM. A. CORNWALL,  
Secretary of Senate.

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## IN SENATE.

FRIDAY, February 9, 1855.

The Senate met pursuant to adjournment.

The President *pro tem.* in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. McGarry presented the petition of the Mayor and Common Council of the City of Benicia, praying for the passage of a law ceding to Benicia the water-front of said city, and the State's interest in and to any swamp and overflowed lands that may be within the corporation limits.

Read, and referred to the Committee on Commerce and Navigation.

Mr. Sprague presented the following report :

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 46, entitled "An Act concerning the Duties of County Treasurer," and have directed me to report the same back, with an amendment, recommending its passage as amended.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 64, entitled "An Act to provide for the Payment of the Salary of W. H. Harvey, for the term of time said Harvey may have served as County Judge for the county of Tulare," and have directed me to report the same back with amendments, recommending its passage as amended.

R. T. SPRAGUE,  
Chairman.

Laid on the table.

Mr. Sprague presented the following report :

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate Bill No. 33, entitled "An Act to amend an Act to regulate the settlement of the estates of Deceased Persons," and have directed me to report the same back with amendments, recommending its passage as amended.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Colby presented the following report :

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed, proposed amendments to the constitution of the State of California.

G. W. COLBY,  
Chairman.

Mr. Sprague presented the following report :

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 32, entitled An Act to authorize J. R. W. Owen, of Butte County, to demand and collect Tolls on what is known as Owen's Turnpike, and have directed me to report the same back with amendments, recommending its passage as amended.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. McGarry presented the following report :

*Mr. President :*

The Committee on Contingent Expenses, to whom was referred the bill of

Frank Soule & Co, for "Daily Chronicle," furnished to the Senate of last year, (\$45 20) find it correct, report the same back, and recommend its payment.

EDW. McGARRY,

Chairman.

On motion of Mr. Keene, the report was adopted, and the bill accompanying the same ordered to be paid.

Mr. Sprague presented the following report :

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 61, entitled An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19th, 1853, and have directed me to report the same back without amendment, and recommend its passage.

R. T. SPRAGUE,

Chairman.

Adopted.

On motion of Mr. Sprague, Assembly bill No. 61, entitled An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19th, 1853, was taken up, read a third time and passed.

Mr. Whiting submitted the following resolution :

*Resolved*, That a select Committee of three be appointed from the Senate, to confer with Mr. Olds, in reference to the purchase, by the State, of his excellent library, and report to the Senate such propositions as they receive from him, and their opinion upon the propriety of such purchase.

Mr. McFarland moved to strike out the words "a Select Committee of three be appointed from the Senate," and insert, in lieu thereof, "the Committee on State Library be directed."

Agreed to.

Mr. Stebbins moved that the resolution be indefinitely postponed.

Lost.

Mr. Norman moved that the resolution lie upon the table.

Lost.

Mr. Burton moved to strike out from the resolution the word "excellent," and insert, in lieu thereof, the word "law."

Agreed to.

Mr. Leake moved to insert, after the name of Mr. Olds, the words "and Lecount & Strong."

Lost.

Mr. Stebbins moved to insert, after the name of Mr. Olds, the words "Marvin & Hitchcock, and R. A. Eddy, of Marysville."

Lost.

Mr. Sprague moved that the resolution be made concurrent.

Agreed to.



Mr. French moved to strike out all after the word "Resolved."

Lost.

Mr. French moved that the resolution be made a special order for to-morrow, at 12, M.

Lost.

The question was taken upon the passage of the resolution, and it was passed in the following words :

*Resolved*, By the Senate, the Assembly concurring, that the Committee on State Library, of the Senate and Assembly, be directed to confer with Mr. Olds, in reference to the purchase, by the State, of his Law Library, and report to the Senate and Assembly such propositions as they receive from him, and their opinion upon the propriety of such purchase.

Assembly bill No. 80, entitled An Act for the Support and Maintenance of the Indigent Sick of Calaveras County, was taken from the table.

Read a first and second time and referred to the Committee on Hospitals.

Assembly bill No. 96, entitled An Act to repeal the Sixth Section of an Act entitled An Act to provide for funding the Debt of San Joaquin County, for the payment of the interest thereon, and for the gradual liquidation of the debt," approved April 20, 1852, and to amend the thirteenth section of the same, was taken from the table.

Read a first and second time, and referred to the Senator from San Joaquin District.

Mr. Whiting presented the following report:

*Mr. President :*

The Committee on Corporations have had under consideration a bill entitled "An Act to encourage the Construction of a Railroad and Telegraph Line from the bay of San Francisco to the eastern line of this State, with branches thereto," and have made certain amendments thereto, and recommend its passage with such amendments.

B. E. WHITING, Chairman.  
JNO. T. CRENSHAW,  
E. F. BURTON.

Senate bill No. 9, entitled An Act to encourage the Construction of a Railroad and Telegraph Line from the bay of San Francisco to the eastern line of this State, with branches thereto, was taken up, and

On motion of Mr. Whiting, made a special order for Thursday next, 16th inst., at 12 M.

Mr. French submitted the following resolution:

*Resolved*, That William Coates is hereby appointed Official Reporter for the Senate.

Adopted.

Mr. Hawks asked leave of absence for Mr. McCoun two days.  
Granted.

Mr. May presented the following report:

*Mr. President :*

The Select Committee, to whom was referred Assembly bill No. 66, entitled "An Act granting Edward De Witt and others the right to construct a toll bridge across the Klamath river," have had the same under consideration, report it back, and recommend its passage.

W. B. MAY,

Chairman.

Laid upon the table.

Leave being granted, Mr. Lippincott introduced a bill entitled An Act amendatory of an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers."

Read a first and second time, and,

On motion of Mr. Sprague, referred to the delegation from the Tenth Judicial District.

Leave being granted, Mr. Heintzelman introduced a bill entitled An Act to suppress Houses of Ill Fame."

Read a first and second time, and referred to the Committee on Public Morals and Police, and ordered printed.

Mr. Hawks moved that the Senate consider the special order of the day, Senate bill No. 2, entitled "An Act to fund the indebtedness of the State existing in the form of State Comptroller's Warrants, drawn upon the Treasurer of State between the 30th day of June, A. D., 1853, and the first day of July, A. D., 1855."

Agreed to.

Mr. Burton moved that the Senate concur with the report of the Committee of the Whole of the 30th ult.

Agreed to.

Mr. Sprague moved to take out the proviso from the 9th section, commencing with the word "provided," in the tenth line, and ending with the word "same," in the sixteenth line.

Agreed to.

On motion of Mr. Mandeville, the bill, as amended, was ordered to be engrossed.

On motion of Mr. McGarry, Senate bill No. 5, entitled An Act in relation to the Contingent Expenses of the Legislature, was taken from the table, read a third time, and passed.

On motion of Mr. Heintzelman, the Concurrent Resolution from the Assembly, requiring the State Treasurer to report to the Senate and Assembly the financial operations and condition of the Treasury up to the first day of February, 1855, was taken from the table and passed.

Mr. Keene moved to take from the table Senate bill No. 10, entitled An Act to create a Board of Supervisors in those Counties in this State where no such Board now exists, and to define their duties and powers.

Agreed to.

Mr. Mandeville submitted the following amendment :

Insert in the first section of the bill, after the word "members," the words "except in the counties of Tuolumne, Yuba, and Placer, in which counties they shall consist of five members."

Agreed to.

Mr. McFarland moved to insert "Los Angeles."

Adopted.

Mr. Sprague submitted an amendment to the first section.

Adopted.

Messrs. Day and Tuttle submitted amendments to the second section.

Adopted.

Mr. Keene submitted an amendment to section fifth.

Adopted.

Mr. Keene submitted additional sections, numbered nine and ten.

Rejected.

Mr. Sprague submitted an amendment to the third section.

Adopted.

Mr. Sprague submitted an amendment to the sixth section.

Rejected.

Mr. Tuttle moved that the bill lie upon the table.

Agreed to.

Leave being granted, Mr. Colby introduced a bill entitled An Act concerning the Patients now in the State Marine Hospital at San Francisco.

Read a first and second time, referred to the Committee on Hospitals, and ordered printed.

Leave being granted, Mr. Rust introduced a bill entitled An Act amendatory of section eleventh of article fourth of an Act entitled an Act to provide revenue for the support of the Government of this State, passed May 15, 1854.

Read a first and second time, and referred to the Committee on Finance.

Mr. McFarland moved that the Senate take a recess ten minutes.

Agreed to.

At the expiration of that time, the Senate re-assembled.

The following message was received from the Assembly, through their Clerk:

*Mr. President :*

I am directed to inform the Senate that the Assembly are now ready to meet the Senate in Joint Convention.

The Senate repaired to the Assembly Chamber.

## JOINT CONVENTION.

The two Houses met in the Assembly Hall to renew the voting for a United States Senator.

The President, pro tem., Mr. Sprague of the Senate, in the chair.

The Secretary of the Senate called the roll of the Senate, when the following Senators were found to be absent :

Messrs. De la Guerra, Kendall, McCoun, Crenshaw, Flint, Moore, Norman, Rust, and Stebbins.

Mr. Cunningham of Sierra moved that the Convention adjourn until to-morrow, at 2 o'clock, P. M.

Mr. Flint, of the Senate, moved to amend by inserting Tuesday, at 2 o'clock, P. M.

Agreed to.

And the Convention adjourned to Tuesday next, 13th inst., at 2 o'clock, P. M.

The Senate returned to their Chamber, and,  
On motion of Mr. Flint, the Senate adjourned.

SAMUEL PURDY,

President of Senate.

WM. A. CORNWALL,

Secretary of Senate.

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## IN SENATE.

SATURDAY, February 10, 1855.

The Senate met pursuant to adjournment.

The President *pro tem.* in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. Stebbins moved that the usual number of copies of Senate bill No. 57, entitled "An Act to cede certain Property to the City of Benicia," be ordered printed.

Agreed to.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed on yesterday Senate bill No. 27, An Act to authorize the Board of Examiners of War Claims to settle and pay the Clerk employed by them to arrange the papers and vouchers connected with said claims.

Also passed on yesterday, Assembly bill No. 104, An Act extending the provisions of an Act entitled "An Act giving the consent of the Legislature of the State of California to the purchase by the United States of lands within this State "for public purposes," to the grants heretofore made by Thomas O. Larkin and wife, Robert Semple and wife, and Bethuel Phelps, to the United States, of certain land adjoining the city of Benicia.

J. M. ANDERSON,

Clerk of Assembly.



*Mr. President :*

I am directed to inform the Senate that the Assembly passed on yesterday, Assembly bill No. 77, An Act authorizing James Galloway, and such others as he may associate with him, to construct a Turnpike Road from Forest City to Camptonville, and collect tolls on the same.

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 104, entitled An Act extending the provisions of an Act entitled an Act giving the consent of the Legislature of the State of California to the purchase by the United States of land within this State for public purposes, to the grant heretofore made by Thomas O. Larkin and wife, Robert Semple and wife, and Bethuel Phelps, to the United States, of certain land adjoining the City of Benicia, was read a first and second time, and referred to the Committee on Federal Relations.

Assembly bill No. 77, entitled An Act authorizing James Galloway, and such others as he may associate with him, to construct a Turnpike Road from Forest City to Camptonville, and collect tolls on the same, was read a first and second time, and referred to the Committee on Roads and Highways.

On motion of Mr. Burton, the Senate resumed the consideration of Senate bill No. 10, entitled An Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers.

Mr. Colby moved that the fifteenth section of the bill be stricken out.

Lost.

Mr. Keene submitted the following amendment :

Add at the end of section thirteenth, the words : " And cause to be made out and published yearly, immediately after their annual meeting, in at least one newspaper published in their county, if such there be, a report of the receipts and expenditures of the year next preceding, and the accounts allowed ; and if no newspaper be published in the county, then a copy of such report shall be posted on the Court House door, and at two other public places in the county.

Mr. Crenshaw moved to amend the amendment by striking out the words, " yearly, immediately after their annual meeting," and inserting, in lieu thereof, the words " semi-annually."

Agreed to.

Also, by striking out the word " year," and inserting in lieu thereof the words " six months."

Agreed to.

And the amendment as amended was adopted.

Mr. Burton submitted the following amendment :

In the sixteenth section, third line, strike out the words, " the sum of six dollars," and insert, in lieu thereof, the words, " a sum not exceeding eight dollars."

Mr. McFarland submitted the following amendment :

Add, at the end of section sixteenth, the words: " Except in the counties of Napa, Solana, Yolo, San Bernardino, Santa Cruz, Monterey, Sonoma, Marin, Colusi, Mendocino, Contra Costa, Santa Clara, Alameda, San Joaquin, San Diego, San Luis Obispo, Santa Barbara, Los Angeles, and Stanislaus, in which counties the sum shall not exceed five hundred dollars per year.

Adopted.

Mr. McGarry submitted the following amendment :

Insert in sixteenth section, after the word "dollars," in the fourth line, the words, "except in the counties of Napa, Solano, Yolo, San Bernardino, Santa Cruz, Monterey, Sonoma, Marin, Colusi, Mendocino, Contra Costa, Santa Clara, Alameda, San Joaquin, San Diego, San Luis Obispo, Santa Barbara, Los Angeles, and Stanislaus, in which counties they shall receive a sum not exceeding five dollars per day."

Adopted.

Mr. Scellen submitted the following proviso :

"*Provided*, That in the counties of Yuba, Shasta, Sutter, Sierra, Butte, and Plumas, they shall receive a sum not exceeding six dollars per day."

Adopted.

Mr. Stebbins moved to strike out from section sixteenth, the word "session," and insert, in lieu thereof, the word "term."

Adopted.

Mr. Crenshaw moved to insert, in the sixteenth section, after the words "one thousand dollars a year," the words "to each member."

Adopted.

Mr. Tuttle submitted the following additional section, numbered section eighteen :

"Whenever a vacancy occurs in the Board of Supervisors of any county, the County Judge of the county shall order a special election to be held in the district where the vacancy occurs to supply such vacancy, and a certified copy of such order shall be posted up in five of the most public places in the district by the Sheriff, ten days at least before the election recurs, or be published for two successive weeks in a newspaper published in the county."

Adopted.

And on motion of Mr. McFarland, the bill as amended was ordered engrossed for a third reading, and the usual number of copies were ordered to be printed.

On motion of Mr. Flint, Assembly bill No. 93, entitled An Act to compensate William Coates and Samuel R. Weed for reporting the evidence on the contested election case between E. R. Galvin and Samuel McCurdy, was taken from the table, read a third time, and passed.

Mr. Leake submitted a resolution, directing the appointment by the Senate of a committee of two to examine and report the condition of the papers and vouchers on which military claims have been audited and paid by the Board of Examiners of War Claims, &c.

Laid upon the table.

Leave being granted, Mr. Scellen introduced a bill entitled An Act to amend Article seven of an Act entitled an Act to provide Revenue for the Support of the Government of this State, passed May 15, 1854.

Read a first and second time, and referred to the Committee on Finance.

Mr. French submitted the following report :

*Mr. President :*

The Committee on Public Expenditures, to whom was referred the Report of

the Secretary of State and Superintendent of Public Buildings, on the 24th January last, introduce a bill, and recommend its passage.

A. FRENCH,

Chairman.

Laid upon the table.

Leave being granted, Mr. McFarland introduced a bill entitled An Act amendatory of an Act defining the time for commencing Civil Actions, passed April 22, 1850.

Read a first time and laid over under the rule.

Mr. McFarland moved that the Senate adjourn.

Lost.

Mr. Hall submitted the following report:

*Mr. President:*

The Committee on Mines and Mining Interests return the petition from certain citizens of Tuolumne, San Joaquin and Stanislaus Counties, with an accompanying bill and recommend its passage.

G. D. HALL,

Chairman.

Laid upon the table.

Mr. Kendall moved that the Senate consider the bill accompanying the report.

Lost.

Mr. Tuttle asked leave of absence for the Door-Keeper of the Senate two days.

Granted.

Leave being granted, Mr. Leake introduced a bill entitled An Act supplemental to an Act concerning Escheated Estates, passed March 4, 1854.

Read a first time and laid over under the rule.

Leave being granted, Mr. Leake introduced a bill entitled An Act concerning State and County Treasurers.

Read a first and second time and referred to the Judiciary Committee.

Mr. Kendall moved that the Senate adjourn.

Agreed to.

The Senate adjourned till Monday morning at 11 o'clock.

SAMUEL PURDY,

President of the Senate.

WM. A. CORNWALL,

Secretary.

IN SENATE.

MONDAY, February 12, 1855.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of Saturday was read and approved.

Mr. Gove presented the petition of citizens of the State of California, praying for the enactment of a prohibitory liquor law.

Read, and referred to the Committee on Public Morals and Police.

Mr. McCoun, the Senator from the San Joaquin district, to whom was referred Assembly bill No. 96, entitled An Act to repeal the Sixth Section of an Act entitled an Act to provide for Funding the Debt of San Joaquin county, for the payment of the interest thereon, and for the gradual liquidation of the Debt, approved April 20, 1852, and to amend the 13th section of the same, reported the same to the Senate, recommending its passage.

On motion of Mr. Burton, the bill was considered as in Committee of the Whole, and after some time spent therein, the Committee rose, reported the bill to the Senate, and recommended its passage.

On motion of Mr. McCoun, the report of the Committee of the Whole was concurred in, and the bill was read a third time and passed.

Mr. Norman presented the following report :

*Mr. President :*

The Committee on Enrollment have examined and find correctly enrolled, An Act to fund the Debt of Contra Costa county, and to provide for the payment of the same.

Also, An Act to authorize Married Women to convey Real Estate held by them in their own right.

All of which is respectfully submitted.

W. B. NORMAN,  
Chairman.

The President *pro tem.* laid before the Senate a communication from the State Treasurer in reply to a resolution requesting him to report to the Senate the total amount heretofore received from the sale of San Francisco water lot property, etc.

Read, and, on motion of Mr. Tuttle, ordered to be printed.

Mr. Scellen gave notice that he will, on to-morrow, introduce a bill to pay Louis Bartlett for certain services rendered the State.

On motion of Mr. Kendall, Senate bill No. 69, entitled an Act to authorize a Dam across the Stanislaus River for manufacturing purposes, was taken from the table.

Read a first and second time and ordered to be engrossed for a third reading.

Mr. Hook introduced a memorial and Joint Resolution, addressed to the



President of the United States, requesting him to order the removal of the Land Office from Benicia to Sacramento.

Read a first time and laid over under the rules.

On motion of Mr. McFarland, Senate bill No. 68, entitled an Act amendatory of an Act defining the time for commencing Civil Actions, passed April 22, 1850, was taken from the table.

Read a second time and referred to the Judiciary Committee.

On motion of Mr. French, Senate bill No. 64, entitled an Act for the settlement of the account of Abram T. Melvin for furniture furnished Capitol Building and carpenter work, was taken from the table.

Read a first and second time and ordered engrossed for a third reading.

On motion of Mr. Leake, Senate bill No. 66, entitled an Act supplemental to an Act concerning Escheated Estates, passed March 4, 1854, was taken from the table.

Read a second time and referred to the Judiciary Committee.

On motion of Mr. Maudeville, the Senator from Alameda was added to the Delegation to whom was referred a bill entitled an Act to authorize C. M. Radcliff, E. S. Marvin, G. W. Van Benschoten and Horace Carpenter, to construct a Turnpike Road from the City of Oakland, across the Coast Range, to the City of Sonora.

Mr. McCoun presented the account of T. J. A. Chambers & Co., of San Francisco, for articles furnished to the Capitol at Vallejo, in 1851.

Referred to the Committee on Claims

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed, a bill for an Act to Fund the Indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 30th day of June, A. D., 1853, and the first day of July, A. D., 1855.

Also, An Act in relation to the Contingent Expenses of this Legislature.

G. W. COLBY,

Chairman.

On motion of Mr. McFarland, the Senate resumed the consideration of Senate bill No. 10, entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers.

Mr. Tuttle moved that the bill lie upon the table.

Lost.

The bill being upon its third reading.

Mr. French moved that it be re-committed to the Judiciary Committee with instructions to amend.

Motion decided out of order.

Mr. French submitted additional sections numbered nine and ten.

Mr. McGarry moved that the Senate re-consider the vote upon the adoption of the said additional sections.

Mr. Moore moved that the Senate re-consider the vote of Saturday last upon the motion that the bill be ordered engrossed for a third reading.

Agreed to.

Mr. McGarry submitted the following amendment:

Insert in section sixth, after the word "year," the words, "except in those Counties which are excepted in the sixteenth section of this Act, in which Counties it shall not exceed five hundred dollars a year."

Adopted.

Mr. Norman moved that the bill lie upon the table and be made a special order for Wednesday next.

Lost.

Mr. French moved that the bill lie upon the table till to-morrow.

Agreed to.

Mr. Colby presented the following report:

*Mr. President :*

The Committee to whom was referred an Act to authorize the County of Sacramento to Fund the outstanding Warrants drawn against the Court House and Jail Fund of the County, (Assembly bill No. 75), have had the same under consideration, and report the same back, and recommend its passage with the following amendments:

Sec. 5, thirteenth line, strike out the words "both principal and," and insert "the."

Same section, fifteenth line, after the word "bonds," insert "at the County Treasurer's office of said County."

Sec. 8, sixth line, after the word "Counties," insert "belonging to the Interest Fund of the seven per cent. bonds."

Sec. 9, strike out the two first lines and insert "It shall be the duty of the officer required by law, annually to make up a tax list for the Collector of said County."

Same section, strike out all after the word "bonds," in tenth line.

Strike out the eleventh section and insert the following as a substitute:

"It shall be the duty of the County Treasurer on the first day of May, one thousand eight hundred and fifty-six, and yearly thereafter, to set apart all the moneys in his hands arising from the tax authorized by this Act, as a Sinking Fund for the redemption of said bonds; he shall also, on the second Monday of June, 1856, and yearly thereafter, advertise in a public newspaper, published in each of the Cities of Sacramento and New York, for the space of ten days, for sealed proposals for the redemption of said bonds, the advertisement to set forth the amount in the County Treasury for that purpose, and the day, time and place when the proposals will be opened; and, on the first Monday of September thereafter, the County Treasurer shall open said bid in the presence of the Board of Supervisors of said County, and such bid shall be accepted as shall cancel the greatest amount of said bonds; *provided*, that no bid for more than par value shall be accepted.

All of which is respectfully submitted,

G. W. COLBY,  
A. S. GOVE.

On motion of Mr. Mandeville, the Senate resumed the consideration of Senate bill No. 2, entitled an Act to Fund the Indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasury of State

between the 30th day of June, A. D., 1853, and the first day of July, A. D., 1855.

Mr. McFarland moved that the bill lie upon the table.

Lost.

Mr. French moved that the bill lie upon the table and be made a special order for to-morrow at 12 o'clock M.

Agreed to.

On motion of Mr. French, Assembly bill No. 75, entitled an Act to authorize the County of Sacramento to Fund the outstanding Warrants drawn against the Court House and Jail Fund of the County, was taken from the table.

The amendments reported by the Sacramento Delegation were severally concurred in.

The question being then, "Shall the bill pass?"

Messrs. Tuttle, McGarry and Hawthorne demanded the ayes and noes with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, French, Heintzelman, Hook, Keene, Leake, Lippincott, Mahoney, McCoun, McNeil, Moore, Rust, Seellen and Sprague—18.

NOES.

Messrs. Hawthorne, McFarland, McGarry, Tuttle and Whiting—5.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly passed, on the 10th ultimo, Senate bill No. 28, a bill concerning Appeals in certain Cases.

J. M. ANDERSON,

Clerk of Assembly.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly passed, on the 10th ultimo, Assembly bill No. 123, An Act for the relief of the State Agricultural Society.

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 123, entitled an Act for the relief of the State Agricultural Society.

Read a first and second time and referred to the Committee on Agriculture.

Mr French asked leave of absence for Mr. Hawks for two days.

Granted.

On motion of Mr. Mandeville, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

WM. A. CORNWALL,

Secretary.

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IN SENATE.

TUESDAY, February 13, 1855.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed, a bill for an Act to authorize a Dam across the Stanislaus River for manufacturing purposes.

Also, a bill for an Act for the settlement of the account of Abram T. Melvin, for furniture furnished the Capitol Building and carpenter's work.

G. W. COLBY,

Chairman.

Mr. Norman presented the following report:

*Mr. President :*

The Committee on Enrollment have examined and find correctly enrolled, an Act authorizing the Board of Examiners of War Claims to settle and pay the Clerk employed by them to arrange the papers and vouchers connected with said Claims.

All of which is respectfully submitted,

W. B. NORMAN,

Chairman.



Mr. Day submitted the following Concurrent Resolution:

*Resolved*, (by the Senate, the Assembly concurring,) That the Surveyor General of the State be requested to confer with the United States Surveyor General for California, and ascertain whether he is willing to furnish, for the use of the Legislature, and at the expense of the State, a copy of the General Map of the United States Townships Surveys, as far as they have been executed under his supervision; and what will be the expense of furnishing such copy.

Adopted.

Mr. Keene gave notice that he will, on to-morrow, introduce a bill for an Act to provide for the Indigent Sick in the Counties of this State.

Leave being granted, Mr. Flint introduced a bill entitled an Act for the better preservation of the Gold Mines of California.

Read a first and second time and referred to the Committee on Mines and Mining Interests, and ordered printed.

On motion of Mr. McGarry, Senate bill No. 10, entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, was taken from the table.

Read a third time.

The question being upon the passage of the bill,

Messrs. French, Tuttle and Heintzelman demanded the ayes and noes with the following result:

AYES.

Messrs. Burton, Crenshaw, Day, French, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, Mandeville, McFarland, McGarry, McNeil, Rust, Scellen, Sprague, Stebbins, Tuttle—21.

NOES.

Messrs. Colby, Gove, May, Peck and Whiting—5.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly, on yesterday, passed Senate Concurrent Resolution in relation to conferring with Mr. Olds in reference to purchasing his law library, with an amendment thereto attached, in which the concurrence of the Senate is requested.

Also, Assembly bill No. 55, An Act to establish a Board of Supervisors for the County of Sacramento, and to define its powers and duties.

Also, Assembly bill No. 102, An Act for the relief of the State Insane Asylum.

J. M. ANDERSON,

Clerk of Assembly.

On motion of Mr. Kendall, the amendment made by the Assembly to Senate

Concurrent Resolution directing the Committees on State Library to confer with Mr. Olds in relation to the purchase of his Law Library, was concurred in.

Assembly bill No. 102, entitled an Act for the relief of the State Insane Asylum.

Read a first and second time, and,

On motion of Mr. Sprague, referred to the Judiciary Committee.

Assembly bill No. 55, entitled an Act to establish a Board of Supervisors for the County of Sacramento, and to define its powers and duties.

Read a first and second time, and,

On motion of Mr. Colby, referred to the Sacramento Delegation.

On motion of Mr. Crenshaw, Assembly Concurrent Resolution directing the Controller of State to audit and allow the per diem pay of the officers and attachés of the Senate and Assembly under an Act passed May 15, 1854, until the date of its repeal, was taken from the table.

The question being on the adoption of the substitute offered by Mr. Flint, on the 8th inst.,

Mr. Keene moved that the subject be indefinitely postponed.

Agreed to.

On motion of Mr. Mandeville, the Senate resumed the consideration of special order, Senate bill No. 2, entitled an Act to Fund the indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 30th day of June, A. D., 1853, and the first day of July, A. D., 1855.

The bill having been read a third time,

Mr. Leake moved a call of the Senate.

Agreed to.

The roll was called and Messrs. Colby, Hawks, Kendall and May were absent without leave.

On motion of Mr. Burton, the Sergeant-at-Arms was despatched after the absentees.

Mr. Moore moved that leave of absence be granted to Mr. Leake for two minutes and a half.

Lost.

Messrs. Kendall and Hall were admitted within the bar of the Senate, and,

On motion of Mr. Tuttle, were excused.

On motion of Mr. Sprague, further proceedings under the call were dispensed with.

The question being then upon the passage of the bill (Senate bill No. 2),

Messrs. Leake, Peck and Flint demanded the ayes and noes with the following result:

#### AYES.

Messrs. Burton, Flint, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Lippincott, Mandeville, McNeil, Moore, Rust, Scellen, Sprague and Whiting—17.

#### NOES.

Messrs. Crenshaw, Day, French, Kendall, Leake, McCoun, McFarland, McGarry, Norman, Peck, Stebbins and Tuttle—12.

The question being then, "Shall the title of the bill stand?"

Mr. Tuttle moved to insert therein, after the word "existing," the words, "and which may hereafter exist."

Lost.

Mr. McFarland submitted the following substitute to the title:

"An Act to fix a debt of six hundred thousand dollars upon the State for fifteen years."

Mr. Leake moved to add to the substitute the words "and to increase the taxation of the people."

Accepted.

The question being upon the adoption of the substitute as amended,

Messrs. Leake, Peck and Tuttle demanded the ayes and noes with the following result:

AYES.

Messrs. Crenshaw, Leake, McCoun, McFarland, Norman, Peck, Stebbins and Tuttle—8.

NOES.

Messrs. Burton, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Lippincott, Mandeville, McGarry, McNeil, Moore, Rust, Scellen, Sprague and Whiting—21.

The question being then, "Shall the title of the bill stand?" it was decided in the affirmative.

Mr. McGarry presented the account of the San Francisco Herald for copies of the Herald newspaper, furnished for members of the Senate of 1854.

Referred to the Committee on Contingent Expenses.

On motion of Mr. Sprague, Senate bill No. 45, entitled an Act supplementary to an Act to provide for the sale of the interest of the State of California in the property within the Water Line Front of the City of San Francisco, as defined in an Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, was taken from the table.

Made a special order for to-morrow, 14th, at 12, M.

Mr. Norman presented the following report:

*Mr. President:*

The Committee on Enrollment have this day presented to the Governor, for his signature, the following Acts:

An Act to Fund the Debt of Contra Costa County and to provide for the payment of the same.

Also, An Act to authorize Married Women to convey Real Estate held by them in their own right.

Also, An Act to authorize the Board of Examiners of War Claims to settle and pay the Clerk employed by them to arrange the papers and vouchers connected with said Claims.

Also, An Act fixing the times of holding the Terms of the County Courts, Courts of Sessions and Probate Courts in and for Butte County.

And also, An Act to change the time of holding Courts of Sessions and County Courts in the County of Napa.

W. B. NORMAN,

Chairman.

On motion of Mr. Mandeville, the Senate, as in Committee of the Whole, resumed the consideration of Senate bill No. 3, entitled an Act concerning the Office of Treasurer of State.

After some time spent therein, the Committee rose, reported progress and asked leave to sit again.

Granted.

On motion of Mr. Tuttle, the bill was laid upon the table.

Mr. McFarland moved that the Senate take a recess of five minutes.

Agreed to.

At the expiration of that time, the Senate re-assembled.

The following message was received from the Assembly, through their Clerk:

*Mr. President :*

I am directed to inform the Senate that the Assembly are now ready to meet the Senate in Joint Convention.

J. M. ANDERSON,

Clerk of Assembly.

The Senate repaired to the Assembly Chamber.

### JOINT CONVENTION.

The two Houses met in the Hall of the Assembly to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators, when it was found that all the Senators were present except Mr. De La Guerra.

Mr. Farley, of the Assembly, submitted the following resolution:

*Resolved*, That this Convention do now adjourn *sine die*.

Laid upon the table.



The Convention then proceeded to take the forty-fifth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Johnson of El Dorado, Johnston of San Francisco, Kiney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Talaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Keys, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. McCorkle were—Messrs. Flint, May, McFarland, Peck, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Buffum, Cammet, Flournoy, Gaver, Geller, Jones, Lincoln, Sherrard, Stewart and Wells, of the Assembly.

Mr. Coombs, of the Assembly, voted for Mr. Latham.

Mr. Ferrell, of the Assembly, voted for B. Peyton.

Mr. Phelps, of the Assembly, voted for Mr. Field.

Mr. Ryland, of the Assembly, voted for Mr. A. C. Peachy.

Whole number of votes cast, one hundred and six.

Necessary to a choice, fifty-four.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-eight votes.

Mr. Edwards received thirty-four votes.

Mr. McCorkle received eighteen votes.

Mr. Latham received one vote.

Mr. Peyton received one vote.

Mr. Field received one vote.

Mr. Peachy received one vote.

Mr. Wells, of the Assembly, withdrew the name of J. H. McCorkle, Esq., as a candidate for Senator of the United States.

Mr. Kendall, of the Senate, moved that the Convention adjourn until to-morrow at 2 o'clock.

Upon which the ayes and noes were demanded by Messrs. Buffum, Flournoy and Arrington, with the following result:

## AYES.

Messrs. Kendall, French, Leake, Mahoney, Mandeville, Rust and Tuttle, of the Senate, and

Mr. Arrington, of the Assembly—8.

## NOES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Lippincott, May, McCoun, McFarland, McGarry, McNeil, Moore, Norman, Peck, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Amyx, Ashley, Adkison, Baker, Beatty, Bates, Bogardus, Boles, Brewton, Brown of Contra Costa, Brown of Nevada, Buffum, Burke, Cammet, Cory, Chase, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, McConnell, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Quinn, Rowe, Ryland, Stevens, Stevenson, Sherrard, Singley, Smith of Marin, Smith of El Dorado, Stewart, Taliaferro, Taylor, Updegraff, Vineyard, Watkins, Waite, Whitney, Wells and Mr. Speaker, of the Assembly—99.

No person having received a majority of all the votes cast, the Convention then proceeded to the forty-sixth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt, and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. Roman were—Messrs. Flint, May, McFarland, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Ferrell, Flournoy, Gaver, Geller, Jones, Phelps, Ryland and Stewart, of the Assembly.

Mr. Rust, of the Senate, voted for Mr. Field.



Mr. Rust, of the Senate, voted for Mr. Field.  
Mr. Buffum, of the Assembly, voted for I. C. Woods.  
Mr. Coombs, of the Assembly, voted for Mr. Latham.  
Mr. Doughty, of the Assembly, voted for B. Peyton.

Whole number of votes cast, one hundred and seven.  
Necessary to a choice, fifty-four.

Mr. Broderick received thirteen votes.  
Mr. Gwin received thirty-eight votes.  
Mr. Edwards received thirty-seven votes.  
Mr. Roman received fifteen votes.  
Mr. Field received one vote.  
Mr. Woods received one vote.  
Mr. Latham received one vote.  
Mr. Peyton received one vote.

Mr. French, of the Senate, moved that the Convention adjourn until Thursday next.

Lost.

Mr. Flint moved that the Convention adjourn until to-morrow, at 2 P. M.

Agreed to.

The Senate returned to their Chamber.

On motion of Mr. Hawks, Senate bill No. 39, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Escheated Estates, passed May 4, 1852, was taken from the table.

Made a special order for Thursday next, 15th inst., at 12 o'clock, M.

Mr. Co. by gave notice that he will, on to-morrow, introduce a bill for an Act to amend an Act entitled an Act concerning Conveyances, passed April 16, 1850.

Leave being granted, Mr. Kendall introduced a bill entitled an Act to re-incorporate the City of Sonora.

Read a first and second time and referred to the delegation from Tuolumne County.

On motion of Mr. McGarry, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

WM. A. CORNWALL,

Secretary.



## IN SENATE.

WEDNESDAY, February 14, 1855.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Keene presented the following report:

*Mr. President :*

I am directed by the following Standing Committees of the Senate, Public Lands, Federal Relations, Indian Affairs, Education and Hospitals, to report to the Senate that they did, on the 13th inst., appoint A. G. Kimball, Clerk of the above named Committees.

B. F. KEENE,

Chairman Committee on Public Lands.

Mr. Heintzelman presented the following report:

*Mr. President :*

The Committee on Agriculture, to whom was referred Assembly bill No. 58, for the Relief of the State Agricultural Society, beg respectfully to report that they have had the same under consideration, and report the bill back and recommend its passage.

H. P. HEINTZELMAN,

Chairman.

Laid upon the table.

Mr. Sprague presented the following report :

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 72, entitled an Act amendatory of an Act concerning the office of County Treasurer, and have requested me to report the same back, recommending the same be indefinitely postponed.

R. T. SPRAGUE,

Chairman.

Laid upon the table.

Mr. Mandeville presented the following report:

*Mr. President :*

The Committee on Roads and Highways, to whom was referred Assembly bill No. 77, have had the same under consideration, and report it back to the Senate, with an amendment, and recommend its passage.

J. W. MANDEVILLE,  
JNO. D SCELLEN,  
C. E. LIPPINCOTT.

Laid upon the table.

Mr. Flint presented the following report:

*Mr. President :*

The Committee on Claims, to whom was referred the bill for the relief of John F. Hays, with instructions to report a substitute and recommend its passage.

WILSON FLINT,  
J. W. MANDEVILLE.

Laid upon the table.

Mr. Sprague, from the Judiciary Committee, presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 44, entitled an Act concerning Public Ferries and Toll-Bridges, and have directed me to report the same back, with amendments, recommending its passage as amended.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Stebbins, from the Committee on Public Lands, to whom was referred Senate bill No. 54, entitled an Act to authorize John W. Owen to build a Wharf in Solano County, reported the same back, and recommended that it be referred to the Committee on Public Lands.

The report was adopted.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 68, entitled an Act amendatory of an Act defining the time for commencing Civil Actions, passed April 22, 1850, and have directed me to report the same back, with a substitute, recommending the adoption and passage of the substitute.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 79, entitled an Act to amend an Act concerning County Judges, passed April 4, 1854, and directed me to report the same back and recommend its indefinite postponement.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Mandeville moved to take from the table Senate bill No. 3, entitled an Act concerning the Office of Treasurer of State.

Agreed to.

Mr. Tuttle submitted the following additional section, numbered section five:

Sec. 5. The books of the Treasurer containing the registry of warrants, shall always be open to the inspection of those who present warrants for payment, free of charge.

Adopted.

Mr. Sprague moved that the bill be considered as engrossed and read a third time.

Mr. Mandeville moved that the bill be ordered engrossed for a third reading to-morrow.

Agreed to.

Leave being granted, Mr. Heintzelman introduced a bill entitled an Act to provide for the erection of a County Jail and certain Bridges in the County of Sonoma.

Read a first and second time and referred to the Judiciary Committee.

Leave being granted, Mr. Tuttle introduced a bill entitled an Act to amend the First and Fourth Sections of an Act concerning Divorces, passed March 25, 1851.

Read a first and second time and referred to the Judiciary Committee.

Leave being granted, Mr. Seellen introduced a bill entitled an Act appropriating money to pay Louis Bartlett for services rendered the State.

Read a first and second time and referred to the Committee on Claims.

Mr. McFarland moved to take from the table the substitute reported by the Judiciary Committee for Senate bill No. 68, entitled an Act amendatory of an Act defining the time for commencing Civil Actions, passed April 22, 1850.

Lost.

Mr. Mandeville moved to take from the table Senate bill No. 69, entitled an Act to authorize a Dam across the Stanislaus River for manufacturing purposes.

Agreed to.

Mr. Keene moved that the bill lie upon the table.

Lost.

Mr. Tuttle moved that the bill be re-committed to the Committee on Mines and Mining Interests.

Mr. Sprague moved that the bill be referred to the Committee on Agriculture.

Agreed to.

On motion of Mr. Stebbins, Senate bill No. 38, entitled an Act to provide for the prosecution of Escheated Estates, was taken from the table.

## NOES.

Messrs. Burton, Flint, French, Hawks, Hawthorne, Leake, Stebbins and Tuttle, of the Senate, and

Messrs. Andrews, Ashley, Adkison, Bogardus, Brown of Contra Costa, Buffum, Burke, Cory, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Flournoy, Ferguson, Gaver, Gaylord, Gober, Gragg, Johnson of El Dorado, Jones, Keys, Knox, Lincoln, McConnell, Mellus, Meredith, Moreland, Oxley, Palmer, Ryland, Sherrard, Taylor, Updegraff, Watkins, Waite, Wells, Whitney and Mr. Speaker—48.

The Convention then proceeded to take the forty-eighth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lipincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Gaver, Graves, Johnson of El Dorado, Johnston of San Francisco, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Bates, Brown of Contra Costa, Buffum, Cory, Curtis, Dana, Douglas, Doughty, Farley, Ferguson, Gaylord, Gober, Gragg, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley Rowe, Sherrard, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. Roman were—Messrs. Flint, May, McFarland, Stebbins and Tuttle, of the Senate, and

Messrs. Ashley, Cammet, Flournoy, Geller, Jones, Phelps, Rodgers, Ryland, Stewart and Wells, of the Assembly.

Mr. Rust, of the Senate, and Mr. Clayton, of the Assembly, voted for Mr. Field.

Messrs. Coombs, Ferrell and Kinney, of the Assembly, voted for Mr. Latham.

Whole number of votes cast, one hundred and six,  
Necessary to a choice, fifty-four.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-eight votes.

Mr. Edwards received thirty-six votes.

Mr. Roman received fifteen votes.

Mr. Field received two votes.

Mr. Latham received three votes.



No person having received a majority of all the votes cast, the Convention proceeded to take the forty-ninth vote.

Those who voted for Mr. D. C. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting of the Senate, and Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil, and Norman of the Senate and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Cook, Cunningham of El Dorado, Cunningham of Sierra, Foster, Gaver, Johnston of San Francisco, McCutchan, McConnell, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Philip L. Edwards were—Messrs. Burton, Hawks, Hawthorne and McGarry, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. Roman, were—Messrs. Flint, May, McFarland and Tuttle, of the Senate, and

Messrs. Cammet, Flournoy, Stewart and Wells, of the Assembly.

Those who voted for Mr. Peachy were—Messrs. Peck and Scellen, of the Senate, and

Messrs. Geller, Graves, Johnson of El Dorado, Jones, Rodgers and Ryland, of the Assembly.

Mr. Stebbins, of the Senate, voted for Mickey Free.

Mr. Rust, of the Senate, and Messrs. Clayton, Geller, Phelps and Sherrard, of the Assembly, voted for Mr. Field.

Messrs. Coombs, Ferrell and Kinney, of the Assembly, voted for Mr. Latham.

Mr. Burke, of the Assembly, voted for Mr. Fremont.

Mr. Buffum, of the Assembly, voted for John E. Wool.

Mr. Doughty, of the Assembly, voted for B. Peyton.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.

Mr. Gwin received thirty-six votes.

Mr. Edwards received thirty-two votes.

Mr. Roman received eight votes.

Mr. Peachy received eight votes.

Mr. Latham received three votes.

Mr. Field received five votes.

Mr. Wool received one vote.

Mr. Fremont received one vote.

Mr. Peyton received one vote.

Mr. Free received one vote.

Mr. Oxley submitted the following resolution:

*Resolved*, That this Convention do now adjourn to meet again on the 31st day of December next.

Which the President declared to be out of order.

Mr. Heintzelman, of the Senate, moved that the Convention do adjourn until to-morrow at 2 P. M.

Mr. Stevenson, of the Assembly, moved to amend by inserting the following:

*Resolved*, That this Convention do now adjourn to meet again on the 19th day of March next, at 2 o'clock P. M.

Mr. Farwell submitted the following as a substitute:

*Resolved*, That when this Convention shall have balloted sixty times, provided there be no election, it stand adjourned *sine die*.

Mr. McFarland, of the Senate, moved to lay the whole matter upon the table.

Carried.

Mr. Flournoy, of the Assembly, moved that the Convention adjourn until to-morrow at 2 P. M.

Carried.

The Senate returned to their Chamber, and,  
On motion of Mr. McFarland, the Senate adjourned.

SAMUEL PURDY,

President of Senate.

WM. A. CORNWALL,

Secretary of Senate.

## IN SENATE.

THURSDAY, Feb. 15, 1855.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and,

On motion of Mr. Mandeville, so much of the Journal as related to a question of privilege raised by Mr. Leake, was erased.

Mr. McGarry presented the memorial of F. F. Howe, praying for the appointment of a Legislative Committee to investigate the causes of his incarceration in the State Insane Asylum.

Read, and, on motion of Mr. Crenshaw, referred to the Committee on Hospitals.

Mr. Scellen presented the petition of citizens of Sierra County, praying for the enactment of a Prohibitory Liquor Law.

Read, and, on motion of Mr. Peck, referred to the Committee on Public Morals and Police with instructions to report a bill.

Mr. Sprague presented the memorial of citizens of Shasta County, praying the Legislature to pass a law prohibiting the Immigration of Chinese into California.

Read, and, on motion of Mr. Sprague, referred to a Select Committee of five, consisting of Messrs. Sprague, Hall, Crenshaw, Flint and Norman.

The following message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,        }  
Sacramento, Feb. 14, 1855. }

*To the Senate of California:*

I have this day approved the following Acts which originated in the Senate, viz:

An Act to authorize Married Women to convey Real Estate held by them in their own Right.

An Act to authorize the Board of Examiners of War Claims to settle and pay the Clerk employed by them to arrange the papers and vouchers connected with said Claims.

An Act to Fund the Debt of Contra Costa County, and to provide for the payment of the same.

JOHN BIGLER.

Mr. Heintzelman presented the annual report of the Inspectors of the State Prison, and moved that three thousand copies be ordered printed.

Lost.

Mr. McGarry moved that two thousand copies be ordered printed.

Agreed to.

Mr. Day presented the memorial of officers of the State Educational Convention, held at San Francisco on the 27th, 28th and 29th December, 1854, in relation to ways and means, Public School property and the adoption of the Free School system in California.

Read, and, on motion of Mr. Day, referred to the Committee on Education.

Mr. McGarry presented the following report:

*Mr. President :*

The Committee on Contingent Expenses, to whom was referred the account of the San Francisco Herald (\$120) for copies of that paper furnished the Senate at the last Session, have had the same under consideration, find it correct, report the same back and recommend its payment.

EDW. MCGARRY,  
Chairman.

On motion of Mr. Day, the report was adopted, and the account ordered paid.

Mr. Tuttle presented the following report:

*Mr. President :*

The Committee on Federal Relations, to which was referred Assembly bill No. 104, entitled an Act extending the provisions of an Act entitled an Act giving the consent of the Legislature of the State of California to the purchase by the United States of Land within this State for public purposes, to the grant heretofore made by Thomas O. Larkin and wife, Robert Semple and wife, and Bethuel Phelps, to the United States of certain Land adjoining the City of Benicia, have had the same under consideration and report it back and recommend its passage.

CHAS. A. TUTTLE.  
Chairman.

W. B. MAY.  
WILSON FLINT,

Laid upon the table.

Mr. Sprague presented the following report :

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 74, entitled an Act to amend the First and Fourth Sections of an Act concerning Divorces, passed March 25, 1851, and have directed me to report the same back without amendment, recommending that the same be indefinitely postponed.

R. T. SPRAGUE,  
Chairman.

Adopted.

On motion of Mr. Sprague, Senate bill No. 74, entitled an Act to amend the



First and Fourth Sections of an Act concerning Divorces, passed March 25, 1851, was taken from the table and indefinitely postponed.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 49, entitled an Act concerning the Treasurer's and Controller's Offices, and have directed me to report the same back, with an amendment, recommending the passage of the same as amended.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 102, entitled an Act for the Relief of the State Insane Asylum, and have directed me to report the same back, with an amendment, for the consideration of the Senate.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague, from the Judiciary Committee, presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 67, entitled an Act concerning the State and County Treasurers, and have directed me to report the same back, with amendments, recommending its passage as amended.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 66, entitled an Act supplementary to an Act concerning Escheated Estates, passed March 4, 1854, and have directed me to report the same back, without amendments, recommending that the same be considered by the Senate in connection with Senate bill No. 39.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Peck asked leave of absence for Mr. McCoun.

Granted.

On motion of Mr. Whiting, the Senate, as in Committee of the Whole, resumed the consideration of the special order of the day, Senate bill No. 9, entitled an Act to encourage the construction of a Railroad and Telegraph Line from the Bay of San Francisco to the Eastern Line of this State, with branches thereto.

After some time spent therein, the Committee rose, reported progress, and asked leave to sit again.

Granted.

On motion of Mr. Crenshaw, the bill was made a special order of the day for Saturday, 17th inst., at 12 o'clock M.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on yesterday, Assembly bill No. 76, An Act to amend an Act to provide for the Incorporation of Railroad Companies.

J. M. ANDERSON,

Clerk of Assembly.

Mr. Tuttle moved that Assembly bill No. 76, entitled an Act to amend an Act to provide for the incorporation of Railroad Companies, passed April 22, 1853, be ordered printed.

Lost.

Mr. McGarry moved that the bill be referred to the Committee on Corporations.

Agreed to.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, Feb. 14, 1855, Assembly bill No. 29, An Act to amend an Act concerning Courts of Justice in this State and Judicial Officers, passed May 19, 1853.

Also, Assembly bill No. 138, An Act concerning Private Seals.

Also, passed on the 12th inst., Assembly bill No. 74, An Act for the Relief of Preston K. Woodside.

Also, passed on the 10th inst., Assembly bill No. 124, An Act to authorize Joseph S. Wallis and Sarah Wallis to change the name of their infant son, Talbot Howard Green, to Talbot Howard Wallis.

Also, passed on the 8th inst., Assembly bill No. 129, An Act fixing the times of holding the Courts authorized to be held by the County Judge of Shasta, Santa Clara and Monterey.

Also, passed, Feb. 14, 1855, Senate bill No. 7, An Act to authorize David W. Darlington, Isaiah Hanscom and others to build a Wharf at Vallejo in Solano County.

Also, Feb. 14, 1855, concurred in Senate Concurrent Resolution relative to a copy of the General Maps of the United States Township Surveys.

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 29, entitled an Act to amend an Act concerning Courts of Justice in this State and Judicial Officers, passed May 19, 1853.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 138, entitled an Act concerning Private Seals.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 74, entitled an Act for the Relief of Preston K. Woodside.

Read a first and second time and referred to the Committee on Claims.

Assembly bill No. 124, entitled an Act to authorize Joseph S. Wallis and Sarah Wallis to change the name of their infant son, Talbot Howard Green, to Talbot Howard Wallis.

Read first and second time and laid upon the table.

Assembly bill No. 129, entitled an Act fixing the time of holding the Courts authorized to be held by the County Judge of Shasta, Santa Clara and Monterey.

Read a first and second time, and,

On motion of Mr. Sprague, laid upon the table.

Senate bill No. 7, entitled an Act to authorize David W. Darlington, Isaiah Hanscom and others to build a Wharf at Vallejo in Solano County, was taken up.

Mr. McGarry moved that the Senate concur in the amendment made by the Assembly to the bill.

Agreed to.

The amendment was concurred in.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed, a bill for an Act concerning the Office of Treasurer of State.

G. W. COLBY,  
Chairman.

On motion of Mr. Mandeville, Senate bill No. 3, entitled an Act concerning the Office of Treasurer of State, was taken from the table.

Read a third time and passed.

Mr. Hawthorne moved that the Senate take a recess fifteen minutes.

Agreed to.

At the expiration of that time, the Senate re-assembled.

The following message was received from the Assembly, through their Clerk:

*Mr. President :*

I am directed to inform the Senate that the Assembly are now ready to meet the Senate in Joint Convention.

J. M. ANDERSON,  
Clerk of Assembly.

The Senate repaired to the Assembly Chamber.

### IN CONVENTION.

The two Houses met in the Hall of the Assembly to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll of Senators when it was found that Messrs. De La Guerra, Day, Hook, Mahoney, McNeil, Moore, Norman and Whiting, of the Senate, were absent.

Mr. Leake, of the Senate, moved a call of the Convention.

Agreed to.

The roll was again called, when it was found that Messrs. Covarrubias and McConnell, of the Assembly, were absent without leave.

The Sergeant-at-Arms was despatched after the absentees.

Mr. Flournoy, of the Assembly, moved that further proceedings under the call be dispensed with.

Agreed to.

Mr. Sherrard, of the Assembly, submitted the following resolution:

*Resolved*, That this Convention do now indefinitely postpone the whole subject matter of the election of a United States Senator to succeed the Hon. Wm. M. Gwin, whose term of office expires by limitation of law on the 4th of March next.

Mr. Leake, of the Senate, moved to lay the resolution upon the table.

Upon which the the ayes and noes were demanded by Messrs. Hawks, Farwell and Sherrard, with the following result:

### AYES.

Messrs. Colby, Crenshaw, Day, Flint, Gove, Hall, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, Mandeville, May, McFarland, McGarry, McNeil, Norman, Peck, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Amyx, Arrington, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of El Dorado, Cunningham of Sierra, Curtis, Ferrell, Foster, Gaver, Geller, Graves, Hosmer, Huat, Johnson of El Dorado, Johnston of San Francisco, Kinney, Knox, McCutchan, Mellus, Meredith, Murdock, Palmer, Phelps, Quinn,



Rowe, Ryland, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro and Vineyard of the Assembly—66.

#### NOES.

Messrs. Burton, French, Hawks, Hawthorne, Mahoney, McCoun, Rust and Tuttle, of the Senate, and

Messrs. Andrews, Adkison, Brown of Contra Costa, Buffum, Burke, Cammet, Cory, Dana, Douglas, Doughty, Farley, Farwell, Flournoy, Ferguson, Gaylord, Gober, Gragg, Jones, Keys, Lincoln, McConnell, Moreland, Oxley, Rodgers, Sherrard, Taylor, Updegraff, Watkins, Waite, Wells, Whitney and Mr. Speaker, of the Assembly—41.

Mr. McGarry, of the Senate, submitted the following resolution:

*Resolved.* That when this Convention adjourn it adjourn to meet on Wednesday, the 11th of March next.

Mr. McFarland moved to lay the resolution upon the table.

Upon which the ayes and noes were demanded by Messrs. Knox, Mandeville and McGarry, with the following result:

#### AYES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Hall, Hawks, Hawthorne, Heintzelman, Keene, Lippincott, Mahoney, May, McCoun, McFarland, Moore, Rust, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Amyx, Arrington, Bates, Brown of Contra Costa, Brown of Nevada, Buffum, Cammet, Cory, Chase, Clayton, Covarrubias, Cunningham of Sierra, Curtis, Dana, Farley, Farwell, Ferrell, Flournoy, Foster, Ferguson, Gaver, Gaylord, Geller, Gober, Graves, Gragg, Hosmer, Hunt, Johnson of El Dorado, Johnston of San Francisco, Jones, Keys, Kinney, Knox, Lincoln, McCutchan, Mellus, Meredith, Moreland, Murdock, Oxley, Palmer, Phelps, Quinn, Rodgers, Rowe, Ryland, Stevenson, Sherrard, Smith of El Dorado, Taliaferro, Taylor, Updegraff, Vineyard, Watkins, Waite, Wells, Whitney and Mr. Speaker, of the Assembly—82.

#### NOES.

Messrs. French, Gove, Hook, Kendall, Leake, Mandeville, McGarry, McNeil, Norman, Peck, Scellen and Tuttle, of the Senate, and

Messrs. Adkison, Baker, Beatty, Bogardus, Boles, Brewton, Burke, Coombs, Cook, Cunningham of El Dorado, Doughty, Stevens, Smith of Marin, of the Assembly—25.

The Convention then proceeded to take the fiftieth vote.

Those who voted for Mr. Broderick were—Messrs. Colby, Day, Hall, Lippincott, Mahoney, Moore, Sprague and Whiting, of the Senate, and

Messrs. Chase, Covarrubias, Hunt and Knox, of the Assembly.

Those who voted for Mr. Gwin were—Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Cook, Cunningham of El Dorado, Cunningham of Sierra, Ferrell, Foster, Graves, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins, of the Assembly.

Those who voted for Mr. Edwards were—Messrs. Burton, Hawks, Hawthorne, McCoun, McGarry, Peck and Scellen, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cory, Curtis, Dana, Douglas, Farley, Farwell, Ferguson, Gaylord, Gober, Gragg, Hosmer, Keys, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Rowe, Taylor, Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly.

Those who voted for Mr. Roman were—Messrs. Flint, May, McFarland and Stebbins, of the Senate, and

Messrs. Cammet, Clayton, Flournoy, Gaver, Geller, Jones, Phelps, Rodgers, Ryland, Stewart and Wells, of the Assembly.

Mr. Rust, of the Senate, and Mr. Sherrard, of the Assembly, voted for Mr. Field.

Mr. Buffum, of the Assembly, voted for Mr. J. E. Wainwright.

Messrs. Coombs and Doughty, of the Assembly, voted for Mr. McKinstry.

Whole number of votes cast, one hundred and nine.

Necessary to a choice, fifty-five.

Mr. Broderick received twelve votes.

Mr. Gwin received forty-one votes.

Mr. Edwards received thirty-six votes.

Mr. Roman received fifteen votes.

Mr. Field received two votes.

Mr. Wainwright received one vote.

Mr. McKinstry received two votes.

Mr. Flournoy moved that the Convention adjourn until to-morrow, at 2 o'clock P. M.

Mr. Sprague, of the Senate, moved to amend by striking out to-morrow, and inserting Tuesday, 20th inst.

Mr. Buffum submitted the following as a substitute:

*Resolved*, That having balloted fifty times for a United States Senator to fill the vacancy which will be occasioned by the expiration of the term of office of the Hon. Wm. M. Gwin, on the fourth day of March next, and there being no prospect of an election at the present session of the Legislature, and deeming that all further balloting would result only in an unnecessary expenditure of public time and public money, this Convention do now adjourn *sine die*.

Mr. McFarland moved to lay the whole matter upon the table.

Upon which the ayes and noes were demanded by Messrs. Buffum, Farwell and Mandeville, with the following result:

## AYES

Messrs. Colby, Crenshaw, Day, Flint, Gove, Hall, Heintzelman, Hook, Keene, Kendall, Lippincott, Mahoney, Mandeville, May, McFarland, McGarry, McNeil, Norman, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Amyx, Arrington, Baker, Bates, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Burke, Chase, Clayton, Coombs, Cook, Covarrubias, Cunningham of Sierra, Ferrell, Foster, Gaver, Geller, Graves, Hosmer, Johnson of El Dorado, Johnston of San Francisco, Kinney, Knox, McCutchan, McConnell, Murdock, Palmer, Quinn, Rowe, Stevens, Stevenson, Sherrard, Singley, Smith of El Dorado, Smith of Marin, Stewart, Taliaferro and Vineyard, of the Assembly—63.

## NOES.

Messrs. Burton, French, Hawks, Hawthorne, McCoun, Moore, Peck, Rust, and Tuttle, of the Senate, and

Messrs. Andrews, Adkison, Brown of Contra Costa, Buffum, Cammet, Cory, Cunningham of El Dorado, Curtis, Dana, Douglas, Doughty, Farley, Farwell, Flournoy, Ferguson, Gaylord, Gober, Gragg, Hunt, Jones, Keys, Lincoln, Melus, Meredith, Moreland, Oxley, Phelps, Rodgers, Ryland, Taylor, Updegraff, Watkins, Waite, Wells, Whitney and Mr. Speaker, of the Assembly—47.

Mr. McGarry submitted the following:

*Resolved*, That the Convention now adjourn until Wednesday, the 14th day of March next.

Laid upon the table.

Mr. Flint moved that the Convention adjourn until to-morrow, at 2 o'clock, P. M.

Mr. Leake moved to amend by inserting Tuesday, 20th inst.

Upon which the ayes and noes were demanded by Messrs. French, Leake and Heintzelman, with the following result:

## AYES.

Messrs. Burton, Colby, French, Gove, Hall, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, Norman, Scellen, Sprague and Whiting, of the Senate, and

Messrs. Arrington, Adkison, Baker, Beatty, Bogardus, Boles, Brewton, Burke, Coombs, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Foster, Graves, Johnston of San Francisco, McCutchan, McConnell, Murdock, Oxley, Palmer, Quinn, Stevens, Singley, Smith of El Dorado, Taliaferro, Vineyard and Waite, of the Assembly—42.

## NOES.

Messrs. Crenshaw, Flint, Hawks, Hawthorne, Lippincott, Mahoney, May, McCoun, McFarland, McGarry, McNeil, Moore, Peck, Rust, Stebbins and Tuttle, of the Senate, and

Messrs. Andrews, Bates, Brown of Contra Costa, Brown of Nevada, Buffum, Cammet, Cory, Chase, Clayton, Cook, Covarrubias, Curtis, Dana, Douglas, Farley, Farwell, Ferrell, Flournoy, Ferguson, Gaver, Gaylord, Geller, Gober,

Gragg, Hosmer, Hunt, Johnson of El Dorado, Jones, Keys, Kinney, Knox, Lincoln, Mellus, Meredith, Moreland, Phelps, Rodgers, Rowe, Ryland, Stevenson, Sherrard, Smith of Marin, Stewart, Taylor, Updegraff, Watkins, Wells, Whitney and Mr. Speaker, of the Assembly—65.

Mr. Flint then renewed his motion to adjourn until to-morrow at 2 o'clock, P. M.

Agreed to.

The Senate returned to their Chamber.

On motion of Mr. Hawks, Senate bill No. 39, entitled an Act amendatory of of and supplementary to an Act entitled an Act concerning Escheated Estates, passed May 4, 1852, was taken from the table.

Made a special order for Wednesday, the 21st inst., at 12 o'clock M.

On motion of Mr. French, the Senate adjourned.

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## IN SENATE.

FRIDAY, February 16, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Keene presented the petitions of citizens of Placerville, El Dorado County, praying for the passage of a law to suppress gambling and to enforce a better observance of the Sabbath.

Read and referred to the Committee on Public Morals and Police.

Mr. Day presented the memorial of the Common Council of the City of Oakland, praying for the passage of a law to authorize them to fund the debt of that City.

Read and referred to the Senator from that District.

Mr. Day presented the account of B. Murdock for one copy of the San Jose Telegraph furnished the Hon. Jacob Grewell during the session of 1854.

On motion of Mr. Leake, referred to the Committee on Contingent Expenses.

Mr. Norman presented the following report :



*Mr. President :*

The Committee on Enrollments have examined and find correctly enrolled, an Act concerning Appeals in certain Cases, passed February 10, 1855.

Respectfully submitted,

W. B. NORMAN,

Chairman.

Leave being granted, Mr. French introduced a bill entitled an Act authorizing Abraham G. Kensey to construct a Toll Bridge.

Read a first and second time and referred to the Judiciary Committee.

According to previous notice, Mr. Day introduced a bill entitled an Act to provide for the Survey and Improvement of an Immigrant Road across the Sierra Nevada.

Read a first and second time, referred to the Committee on Internal Improvements and ordered printed.

Leave being granted, Mr. McGarry introduced a bill entitled an Act appropriating Money for the payment of Frank Denver for services rendered in making repairs on State Capital.

Read a first and second time and referred to the Committee on Claims.

Mr. Whiting presented the following report:

*Mr. President :*

The Committee on Corporations have had under consideration Assembly bill No. 76, and report the same back to the Senate, with amendments, and recommend its passage as amended.

B. C. WHITING,

Chairman.

Laid upon the table.

Mr. McGarry submitted the following resolution:

*Resolved*, That Luther Wright have leave to withdraw his papers pertaining to his claim now on file in the Senate.

Adopted.

Mr. Burton moved that fifteen hundred copies of the annual report of the Surveyor General be ordered printed.

Agreed to.

Mr. Norman presented the following report:

*Mr. President :*

The Committee on Enrollment have this day presented to the Governor, for his signature, the following Act:

An Act concerning Appeals in certain Cases, passed February 10, 1855.

W. B. NORMAN,

Chairman.

According to previous notice, Mr. Colby introduced a bill entitled an Act to amend an Act entitled an Act concerning Conveyances, passed April 16, 1850. Read a first and second time, referred to the Judiciary Committee and ordered printed.

Mr. McNeil moved to take from the table Assembly bill No. 57, entitled an Act authorizing J. Burckhalter and such others as he may associate with him to build and construct a Wagon Road from Corbitt's Inn to the Cow and Calf Ranch in the County of Mariposa.

Agreed to.

Mr. McNeil submitted the following amendments:

Strike out from the second section, in the eighth and ninth lines, the words "Court of Sessions or," and the words "as the case may be."

Strike out from the third section, in the seventh and eighth lines, the words "Court of Sessions or."

Strike out from the fifth section, in the fourth line, the words "the Court of Sessions of said County or," and in the fifth line, same section, the words "thereof as the case may be."

The amendments were severally adopted.

The bill, as amended, was read a third time and passed.

Mr. McGarry gave notice that he will, on Monday next, introduce a bill entitled an Act to encourage the Settlement and secure Improvements on wild and unoccupied Lands.

Mr. McFarland submitted the following resolution:

*Resolved*, That the Secretary of State be required to furnish, for the use of the Senate, Government Envelopes, prepared by the Post Office Department, in compliance with the Act of Congress authorizing letters to be transported outside of the Mails.

Mr. Crenshaw moved to strike out the words, "Secretary of State," and insert, in lieu thereof, the words "Sergeant-at-Arms."

Agreed to.

Mr. Keene moved that the resolution lie upon the table.

Lost.

Mr. Sprague moved to add to the resolution the following words:

Provided, that the Sergeant-at-Arms shall not purchase more than three thousand envelopes.

Mr. Whiting submitted a substitute.

Mr. French called for the reading of a report made to the Senate by the Sergeant-at-Arms, and a resolution adopted by the Senate in relation to the transportation of mail matter for the Senate.

Which, having been read,

Mr. Day moved that the subject be referred to the Committee on Federal Relations.

Mr. Moore moved that the subject be referred to the Committee of the Whole.

Mr. Heintzelman moved that the subject lie upon the table.

Carried.

The hour of 12 o'clock, M., having arrived, the Senate, as in Committee of the

Whole, resumed the consideration of the special order, Senate bill No. 38, entitled an Act to provide for the prosecution of Escheated Estates.

After some time spent therein,

On motion of Mr. Burton, the Committee rose, reported progress, and were discharged from the further consideration of the same.

The report of the Committee of the Whole was concurred in.

Mr. Sprague moved to strike out from the first section, second line, of the bill, the words "set apart and."

Upon which the ayes and noes were demanded by Messrs. Sprague, Keene and Burton, with the following result :

#### AYES.

Messrs. Colby, Flint, Hall, Hawthorne, Hook, Keene, Leake, Lippincott, McGarry, McNeil, Moore, Norman, Peck, Rust and Sprague—15.

#### NOES.

Messrs. Burton, Crenshaw, Day, French, Gove, Heintzelman, Mahoney, Mandeville, May, Scellen, Stebbins, Tuttle and Whiting—13.

Mr. Colby moved to strike out the word "thirty," in the first line, first section, and insert, in lieu thereof, the word "fifty."

Lost.

Mr. May moved to insert in the first section, second line, after the word "and," the word "necessary."

Agreed to.

Mr. Whiting moved to strike out the word "the," after the word "for," in the second line, first section, and insert, in lieu thereof, the words "all legal."

Agreed to.

Mr. Sprague moved to insert in the second section, after the words "Attorney General," the words "Superintendent of Public Instruction and Surveyor General."

Upon which the ayes and noes were demanded by Messrs. Sprague, Moore and Keene, with the following result :

#### AYES.

Messrs. Colby, Flint, Hall, Hook, Keene, Lippincott, McGarry, Moore and Sprague—9.

#### NOES.

Messrs. Burton, Crenshaw, Day, French, Gove, Hawthorne, Heintzelman, Leake, Mahoney, Mandeville, May, McNeil, Norman, Peck, Rust, Scellen, Stebbins, Tuttle and Whiting—19.

The question was then taken on the additional section, numbered section three, reported by the Committee on Escheated Estates.

Adopted.

Mr. Crenshaw moved that the bill be considered as engrossed and read a third time.

Objection having been made,

Mr. Crenshaw moved that the bill be ordered engrossed for a third reading to-morrow.

Agreed to.

Leave being granted, Mr. May introduced a bill entitled an Act appropriating Money to pay outstanding Indebtedness of the State.

Read a first and second time and referred to the Judiciary Committee.

Mr. McGarry presented the account of the Postmaster at Sacramento for postage due the Post Office Department by the Senate.

Referred to the Committee on Contingent Expenses.

On motion of Mr Crenshaw, Assembly bill No. 102, entitled an Act for the Relief of the State Insane Asylum, was taken from the table.

Referred to the Committee on Hospitals.

Mr. McGarry moved that the Senate take a recess ten minutes.

Agreed to.

At the expiration of that time, the Senate re-assembled.

The following message was received from the Assembly, through their Clerk:

*Mr. President :*

I am directed to inform the Senate that the Assembly are now ready to meet the Senate in Joint Convention.

J. M. ANDERSON,  
Clerk of Assembly.

The Senate repaired to the Assembly Chamber.

### IN CONVENTION.

The two Houses met in the Hall of the Assembly in Joint Convention, to resume the voting for a United States Senator.

The President of the Senate in the chair.

The Secretary of the Senate called the roll, when it was found that Messrs. De La Guerra, Keene and May, of the Senate, and Messrs. Ashley, Burke and Edwards, of the Assembly, were absent.

Mr. Sherrard, of the Assembly, submitted the following resolution:

*Resolved*, That this Convention, assembled for the purpose of electing a United States Senator to succeed the Hon. Wm. M. Gwin, whose term of office expires on the fourth of March next, being wholly unable to accomplish the object for which they have convened, do now adjourn *sine die*.

Mr. Crenshaw moved that the resolution lie upon the table.

Mr. Sprague rose to a point of order, that the motion to adjourn *sine die* was not debatable, and that it could not be laid upon the table.

The President ruled that the point of order was well taken.

Mr. Mandeville appealed from the decision of the President.

The President *pro tem.* of the Senate assumed the chair.



Mr. Johnston of San Francisco, of the Assembly, moved the previous question. The President *pro tem.* ruled that the previous question could not be called upon a motion to adjourn.

Mr. Johnston rose to a point of order and appealed from the decision of the President *pro tem.*

The President *pro tem.* stated that an appeal was already pending.

Mr. Johnston again moved the previous question upon the appeal taken by Mr. Mandeville from the decision of the President.

Which, having been sustained.

The question recurred, "Shall the main question now be put?"

Decided in the affirmative.

The question being then, "Shall the decision of the President that a motion to adjourn *sine die* can not be laid on the table stand as the judgment of the Convention?"

The ayes and noes were demanded with the following result :

#### AYES.

Messrs. Burton, Colby, Day, Flint, Hall, Hawks, Hawthorne, Lippincott, Mahoney, McCoun, McFarland, McGarry, Moore, Peck, Rust, Scellen, Sprague, Stebbins and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Cammet, Cory, Chase, Covarrubias, Curtis, Dana, Douglas, Farley, Farwell, Flournoy, Ferguson, Gaylord, Gohier, Graves, Gragg, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Murdock, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Stewart, Taylor Updegraff, Waite, Whitney and Mr. Speaker, of the Assembly—61.

#### NOES.

Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McNeil, Norman and Tuttle, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Buffum, Clayton, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Ferrell, Foster, Gaver, Geller, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard, Watkins and Wells, of the Assembly—46.

So the decision of the President was sustained.

The President again assumed the chair.

The question then recurred upon the passage of the resolution introduced by Mr. Sherrard.

The ayes and noes were demanded with the following result:

#### AYES.

Messrs. Burton, Day, Flint, Hall, Hawks, Hawthorne, Lippincott, Mahoney, McCoun, McFarland, Moore, Peck, Rust, Scellen, Sprague, Stebbins, Tuttle and Whiting, of the Senate, and

Messrs. Andrews, Arrington, Adkison, Bates, Brown of Contra Costa, Buffum, Cammet, Cory, Chase, Clayton, Covarrubias, Curtis, Dana, Douglas, Far-

ley, Farwell, Flournoy, Ferguson, Gaver, Gaylord, Gober, Graves, Gragg, Hosmer, Hunt, Jones, Keys, Knox, Lincoln, Mellus, Meredith, Moreland, Oxley, Phelps, Rodgers, Rowe, Ryland, Sherrard, Stewart, Taylor, Updegraff, Waite, Wells, Whitney and Mr. Speaker—63.

## NOES.

Messrs. Colby, Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Maudeville, McGarry, McNeil and Norman, of the Senate, and

Messrs. Amyx, Baker, Beatty, Bogardus, Boles, Brewton, Brown of Nevada, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Ferrell, Foster, Geller, Johnson of El Dorado, Johnston of San Francisco, Kinney, McCutchan, McConnell, Murdock, Palmer, Quinn, Stevens, Stevenson, Singley, Smith of El Dorado, Smith of Marin, Taliaferro, Vineyard and Watkins—44.

So the resolution was adopted.

The President then declared that the Joint Convention of the Senate and Assembly, assembled for the purpose of electing a United States Senator, was adjourned *sine die*.

The Senate returned to their Chamber, and,

On motion of Mr. Hawks, the Senate adjourned.

SAMUEL PURDY,

President of Senate.

WM. A. CORNWALL,

Secretary of Senate.

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IN SENATE.

SATURDAY, February 17, 1855.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. McGarry presented the petition of Luther Wright praying relief for services rendered as Sheriff of the District of Sonoma in 1850.

Read and laid upon the table.

Mr. McFarland, from the Committee on Hospitals, to whom was referred

Assembly bill No. 102, entitled an Act for the Relief of the State Insane Asylum, reported the same back with amendments and recommended its passage.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 59, entitled an Act to provide for certifying and removing certain Cases from the Courts of this State to the United States Circuit Courts; and to remove, by writ of error, certain Cases from the Supreme Court of this State to the Supreme Court of the United States, and have directed me to report the same back with sundry amendments, recommending its passage as amended.

R. T. SPRAGUE,

Chairman.

Laid upon the table.

Mr. McGarry gave notice that he will, on Monday next, introduce a bill for an Act for the relief of Luther Wright.

On motion of Mr. McCoun, Assembly bill No. 35, entitled an Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Contra Costa, was taken from the table.

On motion of Mr. Burton, the bill was read a third time and passed.

Leave being granted, Mr. Flint introduced a bill entitled an Act to amend an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April 14, 1853.

Read a first and second time and referred to the Committee on Corporations.

Leave being granted, Mr. Whiting introduced a bill entitled an Act to amend an Act entitled an Act for the government and protection of Indians, passed April 22, 1850.

Read a first and second time and referred to the Committee on Indian Affairs.

Leave being granted, Mr. Hall introduced a bill entitled an Act to declare the tenure of lands in the Mining Districts of this State.

Read a first and second time and referred to the Judiciary Committee.

On motion of Mr. Keene, Assembly bill No. 162, entitled an Act for the relief of the State Insane Asylum, was taken from the table.

The amendments reported by the Committee on Hospitals were severally concurred in.

The bill, as amended, was read a third time and passed.

On motion of Mr. McGarry, the substitute reported by the Committee on Claims to Senate bill No. 6, entitled an Act for the relief of John F. Hays, was taken from the table.

Read a third time and passed.

Mr. Hawks gave notice that he will, at an early day, introduce a bill for an Act amendatory of and supplementary to an Act entitled an Act to create a Board of Supervisors for the County of San Francisco, and define their duties, passed April 29, 1851.

Mr. Colby, from the Committee on Engrossment, to whom was referred Senate bill No. 38, entitled an Act to provide for the prosecution of Escheated Estates, reported the same correctly engrossed.

Mr. Stebbins moved that the bill be read a third time.

Agreed to.

On motion of Mr. Keene, the bill was re-committed to the Committee on Engrossment.

The bill was again reported back by the Committee as as correctly engrossed.

On motion of Mr. Crenshaw, it was again re-committed to the Committee on Engrossment.

On motion of Mr. McNeil, Assembly bill No. 64, entitled an Act to provide for the payment of the Salary of W. H. Harvey for the term of time said Harvey may have served as County Judge of the County of Tulare, was taken from the table.

Read a third time and passed.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on yesterday, Assembly bill No. 132, An Act concerning the Offices of Controller and Treasurer of State.

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 132, entitled an Act concerning the Offices of Controller and Treasurer of State.

Read a first and second time, and,

On motion of Mr. Hawks, referred to the Committee on Finance.

According to previous notice, Mr. Heintzelman introduced a bill entitled an Act concerning Roads and Highways.

Read a first and second time and referred to the Committee on Roads and Highways.

The hour of 12 o'clock, M., having arrived, the Senate, as in Committee of the Whole, resumed the consideration of the special order of the day, Senate bill No. 9, entitled an Act to encourage the construction of a Railroad and Telegraph Line from the Bay of San Francisco to the Eastern Line of this State with branches thereto.

After some time spent therein, the Committee rose, reported progress, and asked leave to sit again.

Granted.

On motion of Mr. Whiting, the bill was laid upon the table and made a special order for Tuesday next, 20th inst., at 12 M.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee have had under consideration Senate bill No. 80, for an Act authorizing Abraham G. Kensey to construct a Toll-Bridge, and have directed me to report the same back, with sundry amendments, and recommend its passage.

R. T. SPRAGUE,

Chairman.

On motion of Mr. French, the amendments reported to the bill by the Judiciary Committee were severally concurred in, and the bill was ordered engrossed for a third reading.



On motion of Mr. Whiting, Assembly bill No. 76, entitled an Act to amend an Act to provide for the Incorporation of Rail Road Companies, passed April 22, 1853, was taken up.

On motion of Mr. Crenshaw, the bill was re-committed to the Committee on Corporations.

By unanimous consent, Mr. Day was excused from serving as a member of the Standing Committee on State Prison, and Mr. Kendall was appointed in his stead.

The following message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, Feb. 16, 1855. }

*To the Senate of California :*

I have this day approved an Act which originated in the Senate, entitled an Act concerning Appeals in certain Cases.

JOHN BIGLER.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly has this day passed Assembly bill No. 143, An Act to create a Board of Supervisors for Contra Costa County, and to define their duties and powers.

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 143, entitled an Act to create a Board of Supervisors for Contra Costa County, and to define their duties and powers.

Read a first and second time and referred to the Senator from the San Joaquin District.

Mr. Stebbins submitted the following resolution:

*Resolved*, That when the Senate adjourn they adjourn to meet on Tuesday next.

Upon which the ayes and noes were demanded by Messrs. Leake, Norman and McGarry, with the following result:

AYES

Messrs. Colby, Flint, Gove, Hall, Hawks, Hawthorne, Lippincott, Mahoney, May, McCoun, Moore, Peck, Rust, Scellen, Stebbins and Whiting—16.

NOES.

Messrs. Burton, Crenshaw, French, Hook, Leake, McFarland, McGarry, McNeil, Norman, Sprague and Tuttle—11.

On motion of Mr. McFarland, the resolution directing the Sergeant-at-Arms to procure Government Envelopes for the use of the Senate, was taken from the table.

The question being upon the adoption of the substitute introduced by Mr. Whiting.

Decided in the affirmative.

The substitute was passed in the following words:

*Resolved*, That the Sergeant-at-Arms be requested to expend one hundred dollars of the Contingent Fund of the Senate for Government Envelopes to be distributed equally amongst Senators.

On motion of Mr. McGarry, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

WM. A. CORNWALL,

Secretary.

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## IN SENATE.

TUESDAY, February 20, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of Saturday was read, and,

On motion of Whiting, the following words were stricken from the Journal:

"When it having been discovered that the bill was not correctly engrossed."

The Journal, as amended, was approved.

Mr. Hawthorne presented the petition of citizens of the State of California praying for the enactment of a Prohibitory Liquor Law.

Read and referred to the Committee on Public Morals and Police.

Mr. McGarry, from the Committee on Contingent Expenses, to whom was referred the account of the Postmaster at Sacramento, for postage charged the Senate during the month of January (\$208 06), reported the same back and recommended its payment.

On motion of Mr. Leake, the report of the Committee was adopted and the bill ordered paid.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed, a bill for an Act to provide for the prosecution of Escheated Estates.

Also, a bill for an Act authorizing Abraham G. Kensey to construct a Toll-Bridge.

G. W. COLBY,  
Chairman.

Mr. Heintzelman presented the following report:

*Mr. President :*

The Agricultural Committee of the Senate, to whom was referred Senate bill No. 69, An Act to authorize Cruthers & Stuart to use the waters of the Stanislaus River for manufacturing purposes, beg leave to report that they have had the same under consideration, and report the same back to the Senate, with certain amendments, and recommend its passage.

H. P. HEINTZELMAN,  
Chairman.

Laid upon the table.

On motion of Mr. French, Senate bill No. 80, entitled an Act authorizing Abraham G. Kensey to construct a Toll-Bridge, was taken from the table.

Read a third time and passed.

Mr. Tuttle submitted the following resolution:

*Resolved*, That the Sergeant-at-Arms be allowed to employ an Assistant at twelve dollars per day.

Mr. Whiting moved to amend by adding at the end of the resolution the words, "for such time as such services may be necessary."

Agreed to.

The resolution, as amended, was passed.

According to previous notice, Mr. McGarry introduced a bill entitled an Act to encourage the Settlement and secure Improvement on wild and unoccupied Lands.

Read a first and second time, referred to the Committee on Public Lands, and,

On motion of Mr. Norman, ordered printed.

Leave being granted, Mr. Tuttle introduced a bill entitled an Act to fix the Salary of the County Judge of Placer County.

Read a first and second time.

Mr. Keene moved that the bill lie upon the table.

Lost.

The question being then, "Shall the bill be read a third time?"

Mr. French objected.

So the bill was laid over under the Standing Rule.

On motion of Mr. Lippincott, Assembly bill No. 77, entitled an Act author-

izing James Galloway and such others as he may associate with him to construct a Turnpike Road from Forest City to Camptonville, and collect Tolls on the same, was taken from the table.

The amendment made thereto by the Committee on Roads and Highways, was concurred in.

Mr. Burton moved, as an additional amendment, to strike out the words "Court of Sessions or" wherever the same occur in the bill.

Adopted.

The bill, as amended, was read a third time and passed.

Mr. Crenshaw submitted the following resolution:

*Resolved*, (by the Senate, the Assembly concurring,) That the Act entitled an Act requiring the Controller to audit certain bills of the Members and Officers of the present Legislature, passed February 1, 1855, was intended and is hereby construed to include the attachés of the present Legislature; and the Controller of State is hereby required to audit the bills of the attachés as officers of the Legislature.

Adopted.

On motion of Mr. Kendall, Senate bill No. 69, entitled an Act to authorize the construction of a Dam across the Stanislaus River for manufacturing purposes, was taken up.

The amendments reported by the Committee on Agriculture were severally concurred in.

Mr. Sprague moved to strike out the last section of the bill.

Lost.

The question being then, "Shall the bill pass?"

Messrs. Keene, Sprague and Burton demanded the ayes and noes with the following result:

#### AYES

Messrs. Colby, Crenshaw, French, Gove, Hawthorne, Heintzelman, Kendall, Mandeville, McCoun, McFarland, McGarry, McNeil, Norman, Peck and Scellen—15.

#### NOES.

Messrs. Burton, Hook, Keene, Lippincott, May, Sprague and Tuttle—7.

The question being, "Shall the title of the bill stand?"

Mr. Heintzelman moved to strike out the title and insert, in lieu thereof, the following words:

"An Act to authorize Cruthers & Stuart to use the waters of the Stanislaus River for manufacturing purposes."

Agreed to.

The title, as amended, was adopted.

Mr. Norman presented the following report:



*Mr. President :*

The Committee on Enrollment have examined and find correctly enrolled, an Act authorizing David N. Darlington, Isaiah Hanscom and others to build a Wharf in Solano County.

Also, An Act appropriating money to pay Postage.

W. B. NORMAN,  
Chairman.

Mr. Keene submitted the following resolution:

*Resolved*, That the Clerks of the Standing Committees of the Senate, Mr. A. G. Kimball, Charles H. Gillman and Andrew Brady, be and they are authorized to take from the State Library one copy each of the Statutes and Journals of the Legislature of this State, and that said Clerks shall safely keep in their respective Committee Rooms the said Acts and Journals for the sole use of the Committees, and return the volumes at the close of the session.

Adopted.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed a bill for an Act for the Relief of John F. Hays.

G. W. COLBY,  
Chairman.

On motion of Mr. Mandeville, 240 copies of Senate bill No. 82, entitled an Act concerning Roads and Highways, were ordered to be printed.

The hour of 12 o'clock, M., having arrived, the Senate, as in Committee of the Whole, resumed the consideration of the special order, Senate bill No. 45, entitled an Act supplementary to an Act entitled an Act to provide for the sale of the interest of the State of California in the property within the Water Line Front of the City of San Francisco, as defined in an Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851.

After some time spent therein, the Committee rose, reported progress, and asked leave to sit again.

Granted.

On motion of Mr. Whiting, the bill was re-committed to the Judiciary Committee, with instructions to report the same back on Tuesday next, 27th inst., and to report their amendments in an intelligible form, referring both to the printed and the manuscript copy of the bill.

Leave being granted, Mr. Sprague introduced a bill entitled an Act authorizing P. B. Reading and others to improve and exclusively navigate the Sacramento River, between Red Bluffs and Clear and Middle Creeks.

The bill was read a first and second time.

Mr. Kendall moved to strike out the title and insert as follows:

"An Act authorizing P. B. Reading and others to exclusively navigate the Sacramento River from its mouth to its source.

Mr. Kendall moved that 5,000 copies of the bill be ordered printed.

Mr. Whiting moved that the bill be referred to the Committee on Commerce and Navigation.

Mr. McFarland moved that the bill be referred to the Senators from Colusi, Shasta and Tuolumne.

The question being taken on the motion to refer the bill to the Committee on Commerce and Navigation, it was decided in the affirmative.

Mr. Whiting submitted the following resolution:

*Resolved*, That the State Prison Committee of the Senate be requested to visit the State Prison at San Quentin, in company with the Select Committee heretofore appointed for that purpose, and that they join said Select Committee in their investigations relative to the condition and management of the Prison, and that they make separate report thereon.

Mr. McFarland moved that the resolution lie upon the table.

Lost.

Mr. Mahoney submitted the following substitute:

*Resolved*, That the Select Committee appointed to inspect the management of the State Prison be requested to visit, at an early day, that institution, and report to this body the result of their investigation.

Mr. McFarland moved that the resolution and substitute lie upon the table.

Mr. McFarland withdrew the motion.

Mr. Mahoney withdrew the substitute.

The question was then taken on the adoption of the original resolution.

Adopted.

On motion of Mr. McFarland, the report of the Judiciary Committee to whom was referred Senate bill No. 68, entitled an Act amendatory of an Act defining the time for commencing Civil Actions, passed April 22, 1850, was taken from the table.

The question being upon the adoption of the substitute reported by the Judiciary Committee to the bill.

Mr. Moore moved that the bill lie upon the table and that the usual number of copies be ordered printed.

Mr. McFarland moved, as an amendment, that the substitute instead of the original bill be ordered printed.

Amendment accepted.

The motion, as amended, was carried.

On motion of Mr. Hawks, Senate Joint resolution requesting the President of the United States to order the removal of the Land Office from Benicia to Sacramento, were taken from the table.

On motion of Mr. McGarry the Senate adjourned.

SAMUEL PURDY,

President of Senate.

WM. A. CORNWALL,

Secretary of Senate.

## IN SENATE.

WEDNESDAY, February 21, 1855.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. May presented the petition of citizens of Eureka, praying for the passage of a law granting to actual occupants of lots in towns on public lands, and none other, a perfect title to the soil, in obedience to the Act of Congress, and reserving unimproved lots for the benefit of future occupants

Read and referred to the Committee on Public Lands.

Mr. McFarland presented the following report:

*Mr. President :*

The Committee on State Hospitals have had under consideration a bill to be entitled an Act to provide for the Indigent Sick in the Counties of this State, and have instructed me to report the same back, with amendments, and recommend its passage.

J. P. McFARLAND,

Chairman.

Laid upon the table.

Mr. Hook presented the following report:

*Mr. President :*

The Committee on Indian Affairs have had under consideration an Act entitled an Act for the Government and Protection of Indians, passed April 22, 1850, respectfully beg leave to report the same back and recommend its passage.

G. W. HOOK,

Chairman.

Laid upon the table.

Mr. McCoun presented the following report:

*Mr. President :*

The Delegation, to whom was referred Assembly bill No. 143, for an Act to create a Board of Supervisors for the County of Contra Costa, would ask leave to amend the eleventh section, by striking out in the fifth line of said section, the word "three," and insert "five," and would then recommend the passage of said bill.

W. H. McCOUN.

On motion of Mr. Burton, Assembly bill No. 143, entitled an Act to create a Board of Supervisors for Contra Costa County, and to define their duties and powers, was taken up.

The report of the Delegation from the San Joaquin District having been concurred in,

The Senate, as in Committee of the Whole, proceeded to consider the bill.

After some time spent therein, the Committee rose, reported progress, and asked leave to be discharged from the further consideration of the bill.

Granted.

The report of the Committee of the Whole was concurred in.

The bill was read a third time and passed.

Mr. Norman presented the following report :

*Mr. President :*

The Committee on Enrollment have presented to the Governor, for his signature, the following Acts:

An Act authorizing David N. Darlington, Isaiah Hanscom and others, to build a Wharf in Solano County.

Also, An Act appropriating money to pay Postage.

W. B. NORMAN,  
Chairman.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed, a bill for an Act to authorize Cruthers & Stuart to use the water of the Stanislaus River for manufacturing purposes.

G. W. COLBY,  
Chairman.

The following message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,        }  
Sacramento, Feb. 20, 1855. }

*To the Senate and Assembly of the State of California :*

In my Annual Message, presented at the commencement of the present Legislature, your attention was invited to the necessity of early action in order to secure to the State her rights to certain property believed to have escheated. Circumstances have since transpired which render it necessary to again call your attention to the same subject, and urge upon you the absolute necessity of immediate action on your part.

After labor, time and money have been expended in obtaining the necessary papers and evidence to establish the fact that the State of California has a valid claim to the immensely valuable property, known as the Leidesdorff Estate, in the City and County of San Francisco, it would be a misfortune to California



and an irreparable loss to future generations should she, through her own neglect, permit her title to be vested in others, without receiving its full value.

The object of this communication is to direct your attention to a fact of vital importance to the interests of the State as connected with the property in question.

This exceedingly valuable estate, as believed by many and maintained by me in former official papers, has escheated to the State of California; but, as is well known, is claimed by certain parties resident in the City of San Francisco, who now are and for some time past have been in possession by virtue of papers executed by persons residing in the Island of St. Thomas, claiming to be the lawful heirs of Wm. A. Leidesdorff, who died intestate on the 18th of May, A. D., 1848.

It is not deemed necessary, nor is it my purpose, in this communication, to present the facts and decisions relied upon to establish the claim of the State of California to this property, but to apprise you of the fact that there is now necessity for Legislative action to prevent her from being divested of her legal claim to the same.

In accordance with the provisions of an Act entitled an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854, the Sheriff of the County of San Francisco has levied upon certain property in the City and County of San Francisco for non-payment of State and County taxes, and given notice by publication in the *Alta California* that he will, on Saturday the 24th day of February, 1855, at 10 o'clock, A. M., in front of the Court House door, sell a sufficient amount of the property described, to pay the amount of State and County taxes, with costs, remaining unpaid.

The property therein enumerated as subject to sale for non-payment of taxes, includes, if not all, at least a large portion of the Leidesdorff Estate, situated in the City and County of San Francisco, now claimed by private individuals who have heretofore paid the taxes as they became due.

Section 89 of the Act of May 15, 1854, provides that in case of failure to pay the taxes assessed, the Sheriff, after having given ten days' public notice, "shall sell at public sale, to the highest bidder, the property liable therefor, or so much as may be necessary to pay the said taxes and costs thereon; and that the purchaser or purchasers shall enjoy the right to enter and take possession thereof" on the payment of said taxes and costs.

It will be observed that in accordance with the provisions of the Act and the notice above referred to, this valuable property will be sold by the Sheriff on the 24th inst., for the small sum due the State and County for taxes, and, unless bought in at Sheriff sale by an agent on behalf of the State of California, the title, in whole or part, will pass to others for a comparatively small sum of money.

The 90th section of the same Act provides for the redemption of lands sold for non-payment of taxes, and also prescribes the manner of conducting sales, the fees of Sheriff and other officers, and declares that "if at the expiration of six calendar months from the day of said sale, the *party owning or claiming* said real estate (and improvements, when any exist,) fail to redeem the same from the purchaser thereof, with *fifty per centum advance* (and *double* the expense of *recording* the certificate aforesaid) on the amount set forth in said certificate of sale, the Sheriff of the County shall then execute a deed of conveyance in fee simple to the purchaser or purchasers, or assigns thereof, for said real estate and improvements; and the *sale* shall become *absolute*, and said deed shall be *prima facie* evidence, in all Courts of this State, of the conveyance of all right, title and interest in and to said property owned by the delinquent or delinquents, at the time of the assessment."

This section also provides for the redemption of property owned by minor heirs, within one year after attaining their majority, but makes no provision for the exemption or subsequent redemption of property sold, to which the State has set up a claim, remaining unadjudicated at time of the sale.

From the sections of law above recited it will be seen that unless the State intercede before the 24th inst., the greater part of the property known as the Leidesdorff Estate, in the City and County of San Francisco, will be sold at Sheriff's sale for a sum merely sufficient to pay taxes and defray the expenses of sale, etc., and should you neglect or fail to provide means, as recommended, for its redemption, on or before the 24th day of August next, the Sheriff, in conformity with law, will be compelled to execute a "deed of conveyance in fee simple to purchasers, which will be *prima facie* evidence in all the Courts of this State," and the State, through her own default, and by the act of her own agent, it is feared, would be forever precluded from again setting up claim to title to this valuable estate.

In this case, it will be observed, that the State of California is both plaintiff and claimant. As plaintiff she is demanding the payment of taxes due her; and as claimant sets forth that this estate has escheated, and that she is the lawful owner of the property. If the State, as a *party claiming*, permit the sale for non-payment of taxes due, and fail to redeem within the six months specified by law, "a deed of conveyance in fee simple" will be executed by her own agent, the Sheriff, acting under her authority; which deed, if properly executed, it is believed would divest her of all legal claim to the property, and forever debar its recovery by the State.

It is true that property owned by the State is exempt from taxation, but in this case the State is possessed of merely an unadjudicated claim to an estate held by private individuals; but the Act authorizing the sale for taxes compels the execution of a deed, which concludes "claimants equally with those holding under a perfect title with possession," and the question is thereby raised, whether the State in executing a deed in fee simple by her own agent for the recovery of her own claims for taxes against the estate, does not grant a title perfect against herself, divesting her of such title or claim as she might otherwise assert.

Section 119 of the Act above cited provides as follows:

"The redemption of property sold for taxes, as provided in this Act, may be made by paying to the purchaser the amount of taxes and legal costs, charges and per centage thereon, or depositing the same with the County Treasurer to the credit of such purchaser."

I would, therefore, earnestly recommend the immediate passage of an Act appropriating means, and directing an agent of the State to pay the taxes and costs due on the 24th inst., in order to save to the State the additional expense of redemption at the expiration of six months specified in the law, to-wit: "fifty per centum advance and double the expense of recording certificate of sale," together with the expense and trouble attendant upon the redemption of the property.

Should this course, however, be found impracticable for want of time, the only alternative remaining on your part in order to prevent the title of the State from passing to private individuals, is to provide without delay for the early redemption of the property claimed by the State, by depositing with the County Treasurer of San Francisco County the "amount of taxes and legal costs charged and per centage" paid by the purchaser or purchasers thereof.

It is deemed unnecessary for me in this communication to further advert to

the great and urgent necessity of immediate action on your part, to secure the rights of the State in the premises, or to the irreparable loss which will inevitably result to the State should you neglect to provide the means necessary to prevent the sale of the property and the execution of a deed conveying to private parties all the right, title and interest of the State of California to the same.

In conclusion, I deem it proper to disclaim any intention of imputing to individual claimants to this property the design of interfering with the rights and interests of the State, or of taking an undue advantage of her neglect or default in the non-payment of taxes and redemption within the time prescribed by law; but appreciating the importance of the subject, and being fully aware that such neglect, under the circumstances, would result in serious injury to the interests of the State, and, perhaps, entirely place beyond her reach property of great value, and at a time, too, when she is preparing vigorously to assert her rights before the proper tribunals, I deem it my duty at the earliest possible moment to urge upon you the importance of immediate action, now rendered indispensably necessary to secure the rights of the State to this immensely valuable estate, the proceeds of which are, by the Constitution, devoted to the support and maintenance of Common Schools.

JOHN BIGLER.

Read, and, on motion of Mr. French, referred to the Committee on Escheated Estates, with instructions to report a bill.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly this day adopted a Concurrent Resolution relative to the enrollment of Assembly bill entitled an Act to authorize the County of Sacramento to Fund the outstanding warrants drawn against the Court House and Jail Fund of the County, and that an entire section, which was incorporated therein in the Senate, has been lost or omitted; in which the concurrence of the Senate is requested.

Respectfully,

J. M. ANDERSON,

Clerk of Assembly.

On motion of Mr. Gove, Assembly Concurrent Resolution relative to the enrollment of Assembly bill No. 75, entitled an Act to authorize the County of Sacramento to Fund the outstanding warrants drawn against the Court House and Jail Fund of the County, was concurred in.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, yesterday, a Concurrent Resolution, which is herewith submitted.

Also, Assembly bill No. 134, An Act to prohibit any person or persons,



association, company or Corporation from exercising the privileges of Banking or creating paper to circulate as money.

Respectfully,

J. M. ANDERSON,

Clerk of Assembly.

Assembly Concurrent resolution, defining the attachés of the Legislature as officers, etc.

On motion of Mr. Keene, was laid upon the table.

Assembly bill No. 134, entitled an Act to prohibit any person or persons, association, company or corporation from exercising the privileges of Banking or creating paper to circulate as money.

Read a first and second time and referred to the Judiciary Committee.

Mr. Rust submitted a Concurrent Resolution that when the two Houses adjourn they adjourn to meet again on Monday, 26th inst.

Mr. Rust withdrew the Concurrent Resolution and submitted the following:

*Whereas*, It has been the uninterrupted usage and time-honored custom of the country to observe, with becoming deference and honor, the 22d day of February, and it being desirable that we should render a tribute of filial veneration to the memory of the Father of his Country; therefore,

*Resolved*, That when the Senate adjourn it do so to meet again on Saturday the 24th inst.

Mr. McGarry moved to strike out the words "Saturday the 24th."

Upon which, a division being had, the motion was decided in the negative.

Mr. McGarry called for a re-count.

Which having been had, the motion to strike out was decided in the affirmative.

Mr. Stebbins moved that the resolution lie upon the table.

Lost.

Mr. McGarry moved to fill the blank in the resolution with the words "Friday the 23d."

Lost.

Mr. Peck moved that the resolution lie upon the table.

Lost.

Mr. Stebbins moved to fill the blank with the words, "Saturday the 24th," and to add at the end of the resolution, the words, "at 12 o'clock, M."

Agreed to.

The resolution, as amended, was passed.

On motion of Mr. Leake, the following resolution was taken from the table.

*Resolved*, That a Committee of two be appointed by the Senate to examine into and report on the condition of the papers and vouchers on which military claims have been audited and paid by the Board of Examiners of War Claims, and that they be directed further to report the amount and claims rejected by the Board of Examiners; also, who of the officers connected with the expeditions against the Indians, have failed or neglected to account for property in their hands belonging to this State, or for bonds on the War Loan Fund, and the amount of the same; and that they report such other facts and suggestions as they may deem necessary, and that they be instructed to make their report



on or before the first day of March next, and to enable them to do so, they are authorized to employ a Clerk during the time.

On motion of Mr. Mandeville, the resolution was adopted.

The President *pro tem.* appointed Messrs. Leake and Hook as the Committee under said resolution.

Mr. Keene submitted the following resolution:

*Resolved*, That the Hospital Committee of the Senate be and they are hereby directed to visit the State Marine Hospital and examine into the management and condition of that institution, and that they have power to send for persons and papers, and report to the Senate at an early day the result of their investigations.

Adopted.

Leave being granted, Mr. Stebbins introduced a bill entitled an Act to incorporate the City of Marysville.

Read a first and second time and referred to the Delegation from the Fifteenth Senatorial District.

Mr. Hook gave notice that he will, on to-morrow, or some early day, introduce a bill for an Act amendatory and explanatory of an Act entitled an Act defining the time of commencing Civil Actions in certain Cases, passed May 4, 1852.

On motion of Mr. Hawks, the special order of the day, Senate bill No. 39, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Escheated Estates, passed May 4, 1852, was taken from the table.

Made a special order of the day for Monday next, 26th inst., at 12 o'clock M.

Mr. McNeil submitted the following Concurrent resolution:

*Resolved*, (by the Senate, the Assembly concurring.) That the Legislature of this State shall adjourn *sine die* on Tuesday, the 20th day of March next.

On motion of Mr. Mandeville, laid on the table.

On motion of Mr. May, the Senate adjourned till Saturday next at 12 M.

SAMUEL PURDY,

President of the Senate.

WM. A. CORNWALL,

Secretary.

IN SENATE.

SATURDAY, February 24, 1855.

Senate met pursuant to adjournment.

Mr. McGarry in the chair.

Prayer by the Rev. Mr. Pratt.

There being no quorum of Senators present,

On motion of Mr. Moore, the Senate adjourned till Monday morning at 11 o'clock.

WM. A. CORNWALL,

Secretary Senate.

IN SENATE.

MONDAY, February 26, 1855.

The Senate met pursuant to adjournment.

The President *pro tem.* in the chair.

Prayer by the Rev. Mr. Benton.

There being no quorum of Senators present,

On motion of Mr. Moore, the Senate adjourned till to-morrow at 11 o'clock.

WM. A. CORNWALL,

Secretary of Senate.

## IN SENATE.

TUESDAY, February 27, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Benton.

The Journals of February 21, February 24, and February 26 were read and severally approved.

Mr. Mandeville presented the petition of citizens of Tuolumne County, praying for the passage of a law changing the boundaries of Stanislaus and Tuolumne Counties.

Referred to the Committee on Counties and County Boundaries.

Mr. McGarry presented the petition of citizens of Napa County, praying for the passage of a law to make owners of hogs responsible for damages committed by them when running at large.

Referred to the Committee on Agriculture.

Mr. McGarry presented the following report:

*Mr. President :*

The Committee on Contingent Expenses, to whom was referred the account of F. B. Murdock (\$12 75) for one daily newspaper furnished the Senate of last year, have had the same under consideration, find it correct, report the same back and recommend its passage.

EDW. MCGARRY,

Chairman.

Report adopted and the bill accompanying the same ordered paid.

Mr. Mandeville presented the bill of the Columbia Gazette newspaper office, (\$52 50) for copies of newspapers furnished to members of the Legislature of 1854.

Referred to the Committee on Contingent Expenses.

The following message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, Feb. 26, 1855. }

*To the Senate and Assembly of the State of California :*

I deem it my duty to again invite your attention to the great importance of immediate action in relation to the appropriation made by Congress at its last session, to be paid into the Treasury of the State of California, for "expenses incurred in the suppression of Indian hostilities" within her limits, in the year 1850 and 1851.

In explanation of the reasons which induce me at this time to communicate

with you by special message, it is proper to state that erroneous impressions appear to be entertained by some as to the provisions of the several Acts heretofore passed on the subject, and, also, that since the assembling of the Legislature, I have received letters from our Representatives in Congress and others interested in the prosperity of California, urging the importance of early action on the part of the State to secure for her the full benefit intended to be conferred by the Act of Congress assuming, to a certain amount, the debt by her incurred in the suppression of Indian hostilities.

These letters assure me that in order to secure a recognition on the part of the General Government of the past action of the State in the premises, and have the entire amount appropriated paid into the Treasury of the State and ultimately applied in the redemption of the outstanding war bonds, it will be necessary to transmit the papers, vouchers and accounts to Washington City, in charge of an agent authorized to act in the matter for the State.

In order to correct erroneous impressions and enable you to act promptly on the important subject, it is deemed proper in this communication to direct your attention to the provisions of the several acts passed by the State in relation to the settlement and final payment of the debt incurred in the suppression of Indian hostilities, and, also, to the Acts of Congress assuming the payment of the same.

The Act passed Feb. 15, 1851, authorized the recognition of a loan not exceeding five hundred thousand dollars, upon the faith and credit of the State, payable in ten years, and at any period after five years, at the pleasure of the State, said loan to be at the rate of interest not exceeding twelve per cent. per annum.

Section 7, of the same Act, provides as follows:

"Any claim which this State has now, or may hereafter have, on the General Government for moneys expended out of this loan for the purposes aforesaid, shall be and the same is hereby *set apart and pledged* for the payment of the principle and interest arising upon said bonds."

Of the outstanding war bonds of the State, two hundred thousand dollars, bearing an interest of twelve per cent. per annum, were issued in compliance with the provisions of the Act above referred to, which was passed February 15, 1851.

The balance of the bonds now outstanding amounting in the aggregate to the sum of six hundred and thirty thousand seven hundred dollars (\$630,700), were issued in accordance with the requirements of several Acts of the Legislature, passed respectively May 3, 1852, April 16, 1853, and May 18, 1853. The first section of the Act of May 3, 1852, provides that "a sum not exceeding six hundred thousand dollars (\$600,000) is hereby *appropriated and set aside* as an additional war fund, payable in ten years out of any moneys which may be appropriated by Congress to defray the expenses incurred by the State of California, and interest thereon at the rate of seven per cent. per annum, in the suppression of Indian hostilities, or out of the proceeds of the sale of any public lands which may be donated or set aside by Congress for that purpose, and should no such appropriation or donation be made, or if an amount sufficient should not be appropriated or donated within the said ten years, then the bonds authorized to be issued by the Act shall be good and valid claims against the State, and shall be paid out of any money in the Treasury not otherwise appropriated.

Section 9 of the same Act pledges "any claim which the State has or may



hereafter have upon the General Government to the payment" of the bonds issued under the Act.

The provisions of the Acts of April 16, and May 3, 1853, it is proper to state, are similar to those of the Act of 1852, differing only in the amount of bonds authorized to be issued.

By reference to the foregoing sections of law, it will be seen that "any claim which the State has or may hereafter have upon the General Government" is pledged for the payment of the bonds issued in pursuance of the several Acts named, but that they only become "good and valid claims against the State" at the expiration of ten years, and in case of failure on the part of the General Government to assume the debt.

As was anticipated at the date of the passage of the Acts above referred to, Congress has provided for the payment of the war debt of the State to the amount of nine hundred and twenty-four thousand two hundred and fifty nine dollars and sixty-five cents (\$924,255 65), and directed that sum, after an examination of the accounts and vouchers by the proper officers, to be paid into the Treasury of the State.

In view of the fact that the bonds issued in compliance with the above recited sections of the Acts of 1852 and 1853, will not be fully due until the year 1862, and "only become valid claims against the State at the expiration of ten years" from their dates respectively, it would, perhaps, be well for you, after having provided for a settlement with the proper department at Washington City, so as to secure payment of the amount appropriated into the State Treasury, to pass an Act fixing the *time* and *place* of payment of the bonds, and in the same Act prescribe the terms of redemption.

The section of law passed by Congress assuming the war debt of the State, reads as follows:

"Section 3. *And be it further enacted*, That the Secretary of War be and he is hereby authorized and directed to examine into and ascertain the amount of expense incurred and actually and properly paid by the State of California in the suppression of Indian hostilities within the said State prior to the first day of January, A. D., 1854, and that the amount of such expenses when so ascertained, be paid into the Treasury of the said State; *provided*, that the sum so paid shall not exceed in amount the sum of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents (\$924,259 65), which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

It will be observed that the foregoing section does not authorize the Secretary of War to transfer the amount appropriated from the National into the State Treasury until he shall have "examined into and ascertained the amount of expenses incurred and actually and properly paid by the State of California in the suppression of Indian hostilities."

In order, therefore, to enable the Secretary to perform the duty enjoined by the section of law above recited, all the accounts, vouchers and papers in the possession of the State, requisite to clearly establish her claim, should without delay be forwarded to Washington City, in charge of an agent competent from personal knowledge of the history of the several Indian expeditions, the vouchers, accounts, etc., to render efficient service in securing a fair settlement of the same.

By reference to the report of the Controller of State, it will be seen that on the 20th day of December, A. D., 1854, the war debt, interest included, amounted to the sum of one million thirty thousand five hundred and thirty dollars

and thirty-three cents (\$1,030,530 33). For this large sum the State has issued bonds for two hundred thousand dollars (\$200,000), bearing an interest of twelve per cent., and the balance seven per cent. per annum, adding monthly to the amount ultimately to be paid, a sum exceeding five thousand six hundred dollars (\$5,600).

Confident in the belief that proper action on your part in relation to the transmission to Washington City of the necessary papers and vouchers, is all that is now required to secure the early payment into the State Treasury of the whole amount appropriated, it is hoped that you will give the subject the immediate and careful consideration which its importance to the interest of the State unquestionably demands.

JOHN BIGLER.

Read, and, on motion of Mr. Hook, referred to the Committee on Indian Affairs.

The following message was received from his Excellency, the Governor:

*To the Senate of California :*

I have this day approved the following named Acts which originated in the Senate, viz:

An Act appropriating money to pay Postage.

Also, An Act to authorize David N. Darlington, Josiah Hanscom and others to build a Wharf in the County of Solano.

JOHN BIGLER.

Mr. McGarry presented the bill of the California Statesman newspaper office (\$63) for newspapers furnished the Senate.

Referred to the Committee on Contingent Expenses.

Mr. Sprague gave notice that he will, on to-morrow, ask leave to introduce a bill for an Act making appropriations to defray the ordinary Civil Expenses of the Government of this State from the first day of February, 1855, to the first day of February, 1856.

Leave being granted, Mr. Mandeville introduced a bill entitled an Act for the better observance of the Sabbath.

Read a first and second time and referred to the Committee on Public Morals and Police.

Mr. Keene submitted the following Concurrent Resolution:

*Resolved*, (by the Senate, the Assembly concurring,) That the Chairmen of the Hospital Committees of the Senate and Assembly be and they are hereby authorized to employ a Clerk to assist them in the examination of the affairs of the State Marine Hospital in San Francisco.

Adopted.

Mr. Stebbins presented the following report:

*Mr. President :*

The majority of the Committee to whom was referred Senate bill for an Act

to incorporate the City of Marysville, have had the same under consideration, and report the same back, with accompanying amendments, and recommend its passage.

J. G. STEBBINS,  
P. C. RUST.

Mr. Lippincott presented the following report:

*Mr. President :*

The minority of the Committee to whom was referred the above mentioned bill, begs leave to report that he is unable to see the propriety of the passage of any new Act of incorporation of the City of Marysville which does not emanate from the people, unless there is some satisfactory evidence that the same meets their approval; he cannot, therefore, recommend the passage of the bill unless it be so amended as to make it subject to a vote of the people of the City of Marysville.

C. E. LIPPINCOTT.

On motion of Mr. Stebbins, the Senate, as in Committee of the Whole, proceeded to consider Senate bill No. 90, entitled an Act to Incorporate the City of Marysville.

After some time spent therein,

On motion of Mr. Stebbins, the Committee rose, reported progress, and asked leave to be discharged from the further consideration of the bill.

Granted.

The report of the Committee was concurred in.

Leave being granted, Mr. Stebbins presented the memorial of the Common Council of the City of Marysville in favor of the passage of the bill.

Mr. Sprague moved to strike out the twenty-second subdivision of section seven of article three of the bill.

Upon which Messrs. McNeil, Sprague and McGarry demanded the ayes and noes with the following result.

AYES

Messrs. Mandeville, McGarry, McNeil and Sprague—4.

NOES.

Messrs. Burton, Flint, Gove, Hawks, Hook, Keene, Leake, Lippincott, McCoun, Peck, Rust, Scellen and Stebbins—13.

Mr. Rust submitted the following additional section to the bill:

Within one month after the passage of this Act, the Mayor of the City of Marysville shall issue a proclamation for a special election, giving ten days notice thereof, at which election the lawful electors of the City of Marysville shall be called upon to vote directly for or against accepting this Act of Incorporation as the Charter of the City. This Act shall take effect from and after the time when a majority of the qualified voters of the City of Marysville shall have adopted it in accordance with the above provisions; *provided*, that the officers elected at the municipal election to be holden on Monday, the fifth day of March next, under the existing charter, shall hold their offices under this Act until the expiration of the terms for which they shall

have been elected, and until their successors shall be elected; *provided, also*, that such new officers as may be provided for in this Act, shall be elected under the provisions of this Act within fifteen days after the adoption of this charter as aforesaid, to hold their offices for the remainder of the term, and until the next municipal election.

The question upon the adoption of the additional section

Messrs. Rust, McGarry and Sprague demanded the ayes and noes with the following result:

AYES.

Messrs. Burton, Hawks, Lippincott, Mahoney, McNeil, Moore, Rust and Sprague—8.

NOES.

Messrs. Flint, French, Gove, Hook, Keene, Leake, Mandeville, McCoun, McGarry, Peck, Scellen and Stebbins—12.

Mr. Moore moved that the bill be ordered engrossed for a third reading.

Mr. Stebbins moved that the bill be considered as engrossed and read a third time.

Mr. Sprague raised a question of order, that under the rule the bill could not be considered as engrossed without the unanimous consent of the Senate, and that the motion could not be entertained without a suspension of the rule.

The point of order was sustained.

Mr. Stebbins moved to suspend the thirty-fourth Standing Rule of the Senate.

Upon which Messrs. Moore, Sprague and Lippincott demanded the ayes and noes with the following result:

AYES.

Messrs. Burton Flint, French, Gove, Hawks, Hook, Keene, Leake, Mandeville, McCoun, McGarry, Peck, Rust, Scellen and Stebbins—15.

NOES.

Messrs. Lippincott, Mahoney, McNeil, Moore, Sprague and Tuttle—6.

The question being then, "Shall the bill be considered as engrossed and read a third time?"

Decided in the affirmative.

The question being then, "Shall the bill pass?"

Messrs. Sprague, Moore and Lippincott demanded the ayes and noes with the following result:

AYES.

Messrs. Flint, French, Hook, Keene, Leake, Mandeville, McGarry, Moore, Peck, Rust, Scellen and Stebbins—12.



## NOES.

Messrs. Burton, Hawks, Lippincott, Mahoney, McNeil, Norman, Sprague and Tuttle—8

Mr. Stebbins moved that the Senate re-consider the vote just taken on the final passage of the bill.

Mr. Moore raised a question of order, that he (the Senator from San Francisco) having been in possession of the floor when the motion last stated was made, and that the said motion not having been seconded in time, the motion to re-consider was not now in order.

The Chair (Mr. French) overruled the point of order.

Mr. Moore appealed from the decision of the Chair.

Mr. Tuttle moved that the Senate adjourn.

Upon which the ayes and noes were demanded by Messrs. Lippincott, Moore and Sprague, with the following result:

## AYES.

Messrs. Lippincott, Mahoney, Moore, Norman, Sprague and Tuttle—6.

## NOES.

Messrs. Burton, Flint, French, Hawks, Hook, Keene, Leake, Mandeville, McGarry, McNeil, Peck, Rust, Scellen and Stebbins—14.

Mr. Stebbins moved the previous question.

Mr. Burton moved that the Senate adjourn.

Motion decided to be out of order.

Mr. Hawks moved that the Senate take a recess till to-morrow morning at 10 o'clock.

Lost.

Mr. Lippincott moved that the Senate adjourn.

Upon which the ayes and noes were demanded by Messrs. Moore, Sprague and Lippincott, with the following result:

## AYES.

Messrs. Burton, Gove, Hawks, Lippincott, Mahoney, Moore, Norman, Sprague and Tuttle—9.

## NOES.

Messrs. Flint, French, Keene, Mandeville, McCoun, McGarry, McNeil, Peck, Rust, Scellen and Stebbins—11.

Mr. Stebbins moved the previous question.

Sustained.

The question recurred, "Shall the main question now be put?"

Decided in the affirmative.

The question recurred, "Shall the decision of the Chair stand as the judgment of the Senate?"

Upon which Messrs. Sprague, Moore and Lippincott demanded the ayes and noes with the following result:

AYES.

Messrs. Burton, Flint, Hook, Keene, Leake, Mandeville, McCoun, McNeil, Norman, Rust, Scellen, Stebbins and Tuttle—13.

NOES.

Messrs. Hawks, Lippincott and Moore—3.

No quorum voting, but a quorum being present, the decision of the Chair was sustained.

The question being then taken on the motion to re-consider the vote on the final passage of the bill,

Decided in the negative.

Mr. Tuttle moved that the Senate re-consider the vote taken upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

Motion decided to be out of order.

On motion of Mr Burton, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

WM. A. CORNWALL,

Secretary.

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## IN SENATE.

WEDNESDAY, February 28, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read.

Mr. French moved to strike out from the Journal the words, "Mr. Moore gave notice that on to-morrow he would move to re-consider the vote on the final passage of the bill."

Upon which Messrs. French, Burton and Stebbins demanded the ayes and noes with the following result:

AYES.

Messrs. Flint, French, Hook, Leake, Mandeville, McCoun, Peck, Scellen, Stebbins and Tuttle—10.

## NOES.

Messrs. Burton, Colby, Kendall, Lippincott, Moore and Sprague—6.

No quorum voting, but a quorum being present, the President decided that the motion was carried.

Mr. Tuttle moved to amend the Journal by inserting after the vote taken upon the appeal from the decision of the Chair, the words, "No quorum voting but a quorum being present, the decision of the Chair was sustained."

Agreed to.

The Journal, as amended, was approved.

Mr. McGarry presented the protest of citizens of Suisun Valley against a law granting to any persons exclusive control of the embarcadero at Suisun.

Read and referred to the Committee on Public Lands.

Mr. Scellen presented the petition of citizens of Sierra County praying for the enactment of a Prohibitory Liquor Law.

Read and referred to the Committee on Public Morals and Police.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on yesterday, the 27th inst., Assembly bill No. 90, An Act supplementary to an Act entitled an Act concerning County Recorders, passed March, 1851.

Assembly bill No. 159, An Act supplementary to an Act passed May 15, 1854, entitled an Act to Fund the Debt of Mariposa County, and provide for the payment of the same.

Assembly bill No. 166, An Act authorizing the Board of Supervisors of Napa County to levy a tax for certain purposes.

Assembly bill No. 178, An Act concerning the collection of Taxes now due in the County of Monterey.

Assembly bill 184, An Act concerning the collection of Taxes now due in the County of San Francisco.

Also, that the Assembly has this day adopted an amendment to an Act to authorize the County of Sacramento to Fund the outstanding warrants drawn against the Court House and Jail Fund of the County which is thereto annexed; and that section 12, which was omitted in the original enrolled bill, has been replaced and adopted.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

On motion of Mr. Hawks, Assembly bill entitled an Act to authorize the County of Sacramento to Fund the outstanding warrants drawn against the Court House and Jail Fund of the County, was referred to a Select Committee.

The President appointed Messrs. Hawks, Colby and Burton as such Committee.

Assembly bill No. 178, entitled an Act concerning the collection of Taxes now due in the County of Monterey.

Read a first time, and,

On motion of Mr. Mandeville, and by unanimous consent, the rules were suspended, and the bill was read a second and third time and passed.

Assembly bill No. 184, entitled an Act concerning the collection of Taxes now due in the County of San Francisco.

Read a first and second time and referred to the San Francisco Delegation.

Assembly bill No. 90, entitled an Act supplementary to an Act entitled an Act concerning County Records, passed March, 1851.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 159, entitled an Act supplementary to an Act passed May 15, 1854, entitled an Act to Fund the Debt of Mariposa County, and provide for the payment of the same.

Read a first time, and laid over under the rule.

Assembly bill No. 166, entitled an Act authorizing the Board of Supervisors of Napa County to levy a Tax for certain purposes.

Read a first and second time and referred to the Senator from Napa.

Mr. Hawks presented the following report:

*Mr. President :*

The Select Committee to whom was referred an Act to authorize the County of Sacramento to Fund the outstanding Warrants drawn against the Court House and Jail Fund of the County, have had the same under consideration, report the bill back, and recommend the concurrence of the Senate in the reinstatement of section 12; also, the proviso to the fifth section.

Your Committee believe that the proviso can properly be concurred in, and become a part of the bill by the unanimous consent of the Senate.

W. W. HAWKS,  
Chairman.

E. F. BURTON,  
G. W. COLBY,

The report of the Committee was adopted.

The amendments of the Assembly were severally concurred in.

The bill, as amended, was read three several times and passed.

Mr. Flint presented the following report:

*Mr. President :*

The San Francisco Delegation, to whom was referred Assembly bill to extend the time for the collection of Taxes in San Francisco County, beg leave to report the same back and recommend its passage.

WILSON FLINT,  
D. MAHONEY,  
E. J. MOORE,  
W. W. HAWKS.

The report was concurred in.

The bill was read a third time and passed.



The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on Feb. 24, Assembly Concurrent Resolution relative to a requisition on the Secretary of War at Washington, for a complete Light Field Battery for the use of this State.

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Concurrent Resolution requesting the Governor to make a requisition upon the Secretary of War at Washington for a complete Light Field Battery for the use of this State.

Read and concurred in.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed an Act prescribing the manner of electing United States Senators, on the 13th inst.

An Act to fix the time of holding the District Court in the Third Judicial District, on the 14th inst.

An Act proposing to the Seventh Legislature amendments to the Constitution of the State of California, on the 20th inst.

Also, An Act supplemental to an Act to Regulate Elections, passed March 23, 1850.

Also, Senate bill No. 5, An Act in relation to the Contingent Expenses of the Legislature, with amendments thereto annexed, was passed 23d February, 1855.

Also, passed on 21st inst., Senate bill No. 80, An Act authorizing Abraham G. Kensey to construct a Toll-Bridge, with amendments thereto annexed.

Also, that the Assembly concurred, on 21st inst., in Senate Concurrent Resolution in relation to the attachés of the Legislature.

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 135, entitled an Act supplemental to an Act to Regulate Elections, passed March 23d, 1850.

Read a first and second time and referred to the Committee on Elections.

Assembly bill No. 28, entitled an Act proposing to the Seventh Legislature amendments to the Constitution of the State of California.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 147, entitled an Act to fix the time of holding the District Court in the Third Judicial District.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 17, entitled an Act prescribing the manner of electing United States Senators.

Read a first and second time and referred to the Judiciary Committee.

Senate bill No. 5, entitled an Act in relation to the Contingent Expenses of the Legislature.

Taken from the table.

The question being, "Shall the Senate concur in the amendments made there-to by the Assembly?"

Mr. Sprague moved that the Senate concur in the amendments made by the Assembly to the first section of the bill.

Agreed to.

Mr. Mandeville moved that the Senate now concur in the amendment made by the Assembly to the second section of the bill.

Agreed to.

On motion of Mr. French the Senate concurred in the amendment made by the Assembly to Senate bill No. 80, entitled an Act authorizing Abraham G. Kensey to construct a Toll-Bridge.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on the 17th inst., the following bills:

An Act to provide for the disposal of Lots in the Towns or Villages on the Public Lands in the County of Humboldt.

An Act to create a Board of Supervisors in the Counties of Monterey, Santa Clara, Santa Cruz, Yolo, Tulare, Stanislaus, San Bernardino, Santa Barbara, San Luis Obispo, Butte, Mariposa and Humboldt, and to define their duties and powers.

An Act to authorize Isaac E. Davis and A. P. Jordon, and such others as they may associate with them, to construct a Wharf at Santa Cruz into the bay of Monterey, and to collect Tolls on the same.

An Act to legalize certain Records in San Luis Obispo County.

An Act to provide for the better regulation of Steamboats navigating the waters of this State.

An Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851.

All of which is respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 105, entitled an Act to provide for the disposal of Lots in the Towns or Villages on the Public Lands in the County of Humboldt.

Read a first and second time and referred to the Committee on Public Lands.

Assembly bill No. 120, entitled an Act to create a Board of Supervisors in the Counties of Monterey, Santa Clara, Santa Cruz, Yolo, Tulare, Stanislaus, San Bernardino, Santa Barbara, San Luis Obispo, Butte, Mariposa and Humboldt, and to define their duties and powers.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 144, entitled an Act to authorize Isaac E. Davis and A. P. Jordon, and such others as they may associate with them, to construct a Wharf at Santa Cruz into the Bay of Monterey, and to collect Tolls on the same.

Read a first and second time and referred to the Committee on Commerce and Navigation.

Assembly bill No. 81, entitled an Act to legalize certain Records in San Luis Obispo County.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 87, entitled an Act to provide for the better regulation of Steamboats navigating the waters of this State.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 130, entitled an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851.

Read a first and second time and referred to the Judiciary Committee.

According to previous notice, Mr. Sprague introduced a bill entitled An Act making appropriations to defray the ordinary Civil Expenses of the Government of this State from the first day of February, A. D., 1855, to the first day of February, A. D., 1856.

Read a first and second time and referred to the Committee on Finance and the usual number of copies ordered printed.

Mr. McCoun submitted the following resolution:

*Resolved*, That there be printed, for the use of the Senate, fifteen hundred copies of the report of the Resident Physician and Trustees of the State Insane Asylum.

Mr. Sprague moved to strike out from the resolution the words "fifteen hundred," and insert, in lieu thereof, the words "two thousand."

Amendment adopted.

The resolution, as amended, was passed.

Mr. McGarry submitted the following resolution:

*Resolved*, That J. C. Martin, M. D., have leave to withdraw his papers appertaining to his claim, now in possession of the Senate.

Adopted.

On motion of Mr. Mandeville, Assembly bill No. 104, entitled an Act extending the provisions of an Act entitled an Act giving the consent of the Legislature of the State of California to the purchase by the United States of Land within this State for public purposes, to the grant heretofore made by Thomas O. Larkin and wife, Robert Semple and wife, and Bethuel Phelps, to the United States of certain Land adjoining the City of Benicia, was taken from the table.

Mr. Sprague submitted the following amendment:

Insert in the first section, after the word "purposes," the words, "passed April 27, 1852."

The amendment was adopted.

The bill, as amended, was read a third time and passed.

Mr. French presented the following report:

Mr. President :

The Committee on Engrossed Bills ask leave to report that they have examined and find correctly engrossed, an Act to Incorporate the City of Marysville.

A. FRENCH,  
Chairman *pro tem*.

Mr. Stebbins submitted the following resolution:

*Resolved*, That the Secretary of this Senate be required to transmit forthwith to the House of Assembly, an Act to Incorporate the City of Marysville, passed the Senate on yesterday, Senate bill No. 90.

Adopted.

On motion of Mr. Hawks, the Senate, as in Committee of the Whole, resumed the consideration of Senate bill No. 39, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Escheated Estates, passed May 4, 1852.

After some time spent therein the Committee rose, reported the bill to the Senate, and asked leave to be discharged from the further consideration of the same.

Granted.

The report of the Committee of the Whole was concurred in.

Mr. Sprague moved to take from the table Senate bill No. 66, entitled an Act supplemental to an Act concerning Escheated Estates, passed March 4, 1854.

Agreed to.

Mr. Sprague moved that the said bill containing two sections, be incorporated in Senate bill No. 39, and that the said sections be numbered respectively section six and section seven of Senate bill No. 39.

Agreed to.

Mr. Moore moved to strike out from the additional section reported by the Judiciary Committee to Senate bill No. 39, the word "ten," and insert, in lieu thereof, the word "five."

Agreed to.

Mr. Moore moved to add at the end of the section, the words, "*provided*, that the amount so received by such informer shall not exceed three hundred thousand dollars in any one case."

Mr. Hawks moved to amend the amendment by striking out "three hundred thousand dollars," and inserting, in lieu thereof, "twenty thousand dollars."

Accepted.

Mr. Mahoney moved to amend the amendment by striking out the word "informer," and inserting "person."

Accepted.

Mr. Sprague moved to amend the amendment by adding after the word "person," the words, "or persons," and inserting after the word "not," the words "in the aggregate."

Accepted.

The amendment, as amended, was adopted.

Mr. Hawks submitted the following proviso:

*Provided*, that only one person shall be entitled to compensation for such services.



Adopted.

The bill was read a third time by title, and,  
On motion of Mr. Tuttle, it was ordered to be engrossed.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly passed this day Assembly bill No. 188, An Act to provide temporarily for a Board of Supervisors for the County of El Dorado.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 188, entitled an Act to provide temporarily for a Board of Supervisors for the County of El Dorado.

Read a first and second time and referred to the Delegation from El Dorado County.

On motion of Mr. Hawthorne, the Senate adjourned.

SAMUEL PURDY,  
President of Senate.

WM. A. CORNWALL,  
Secretary of Senate.

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## IN SENATE.

THURSDAY, March 1, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read, and,

On motion of Mr. Tuttle, the same was amended by striking therefrom the words "on motion of Mr. Tuttle," immediately preceding the words "the report of the Committee was adopted."

On motion of Mr. Sprague, the Journal was further amended by substituting the name of Mr. Mandeville for Mr. Sprague, in the following sentence:

" Mr. Sprague moved that the Senate non-concur in the amendment."

The Journal, as amended, was approved.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed, a bill for an Act amendatory of and supplementary to an Act entitled an Act concerning Escheated Estates, passed May 4, 1852.

G. W. COLBY,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 81, entitled an Act appropriating money to pay outstanding indebtedness of the State, and have directed me to report the same back, with an amended title, and recommend the passage of the title as amended.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 134, entitled an Act to prohibit any person or persons, Association, Company or Corporation from exercising the privilege of Banking, or creating paper to circulate as money," and have directed me to report the same back, without amendments, recommending its passage.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 73, entitled an Act to provide for the erection of a County Jail and certain Bridges in the County of Sonoma, and have directed me to report the same back, with amendments, recommending its passage as amended.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report :

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 90, entitled an Act supplementary to an Act entitled an Act concerning County Recorders, passed March, 1851, and have directed me to report the same back, without amendments, recommending that the same be referred to the Senator from Mariposa.

R. T. SPRAGUE,

Chairman.

Laid upon the table.

Mr. Sprague, from the Judiciary Committee, presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 130, entitled an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851, and have directed me to report the same back, with an amendment, recommending its passage as amended.

R. T. SPRAGUE,

Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 147, entitled an Act to fix the time of holding the District Court in the Third Judicial District, and have directed me to report the same back without amendments, recommending that the same be passed.

R. T. SPRAGUE,

Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 45, entitled an Act supplementary to an Act to provide for the sale of the interest of the State of California within the Water Line Front of the City of San Francisco, as defined in an Act entitled an Act to provide for the dis-

position of certain property of the State of California, passed March 26, 1851, and have directed me to report the same back, with amendments, referring to the printed bill, recommending its passage as amended.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. McGarry presented the following report:

*Mr. President:*

The Committee on Contingent Expenses, to whom was referred the account of the California Statesman (\$63) for copies of that paper furnished the Senate, have had the same under consideration, find it correct, report the same back and recommend its payment.

EDW. MCGARRY,  
Chairman.

Report adopted and the bill accompanying the same ordered paid.

Leave being granted, Mr. Leake introduced a bill entitled an Act to provide J. G. Stebbins with Duplicate Warrants in lieu of certain Warrants lost or destroyed.

Read a first and second time and referred to the Committee on Claims.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 78, entitled an Act to amend an Act entitled an Act concerning Conveyances, passed April 16, 1850, and have directed me to report the same back without amendments, recommending that the same be indefinitely postponed.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 138, entitled an Act concerning private Seals, and have directed me to report the same back, without amendments, recommending that the same be indefinitely postponed.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.



Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 120, entitled an Act to create a Board of Supervisors in the Counties of Monterey, Santa Clara, Santa Cruz, Yolo, Tulare, Stanislaus, San Bernardino, Santa Barbara, San Luis Obispo, Butte, Mariposa and Humboldt, and to define their duties and powers, and have directed me to report the same back, without amendments, recommending its indefinite postponement.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 28, entitled an Act proposing to the Seventh Legislature amendments to the Constitution of the State of California, and have directed me to report the same back, recommending that the same be considered by the Senate, a bill of the same nature having been passed by the Senate and sent to the House.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 17, entitled an Act prescribing the manner of electing United States Senators, and have directed me to report the same back, without amendments, recommending its passage.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 29, entitled an Act to amend an Act concerning Courts of Justice in this State and Judicial Officers, passed May 19, 1853, and have directed me to report the same back, without amendments, recommending its indefinite postponement.

R. T. SPRAGUE,  
Chairman

Laid upon the table.

Mr. Hook, from the El Dorado Delegation, to whom was referred Assembly bill No. 188, entitled an Act to provide temporarily for a Board of Supervisors for the County of El Dorado, reported the same back and recommended its passage.

Leave being granted, Mr. Tuttle introduced a bill entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854.

Read a first and second time and referred to the Judiciary Committee.

Leave being granted, Mr. Tuttle introduced a bill entitled an Act amendatory of an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851.

Read a first and second time and referred to the Judiciary Committee.

Leave being granted, Mr. Tuttle introduced a bill entitled an Act to prohibit the sale of Spirituous and Intoxicating Liquors.

Read a first and second time, referred to the Committee of the Whole, and made a special order for this day week.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 50, entitled a bill for an Act amendatory and supplemental to an Act entitled an Act concerning Courts of Justice in this State and Judicial Officers, passed May 15, 1854, and have directed me to report the same back with a substitute, recommending the passage of the substitute.

R. T. SPRAGUE,

Chairman.

Laid upon the table.

On motion of Mr. Stebbins, Assembly bill No. 38, entitled an Act to provide for the prosecution of Escheated Estates, was taken from the table.

Read a third time.

The question being "Shall the bill pass?"

Messrs. Sprague, Keene and May demanded the ayes and noes with the following result:

AYES

Messrs. Burton, French, Gove, Hawks, Hawthorne, Kendall, Lippincott, Mahoney, May, McNeil, Norman, Peck, Scellen, Stebbins and Tuttle—15.

NOES.

Messrs. Colby, Flint, Hall, Hook, Keene, Leake, Mandeville, McCoun, McGarry, Moore, Rust and Sprague—12.

Senate bill No. 64, entitled an Act for the settlement of the account of Abraham T. Melvin, for Furniture furnished the Capital Building and Carpenter work.

Read a third time, and,

On motion of Mr. Tuttle, re-committed to the Committee on Public Expenditures.

Mr. Keene presented the memorial of the Judges of the Supreme Court, praying that the law volumes in the State Library be transferred to their custody, and that ten thousand dollars be appropriated for the purchase of other law books; also, that provision be made for the prompt publication of the decisions of the Court; and also, that the Judges be allowed to employ a confidential clerk.

Read and referred to the Judiciary Committee.

Senate bill No. 39, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Escheated Estates, passed May 4, 1852.

Read a third time and passed.

Senate bill No. 52, entitled an Act authorizing the State Treasurer to overdraw the General Fund to the amount of Fifty Thousand Dollars.

Read a third time, and,

On motion of Mr. Hawthorne, laid upon the table and made a special order for Tuesday next, sixth inst.

Proposed amendments to the Constitution of the State of California.

Read a third time and laid upon the table.

Mr. Burton submitted the following Concurrent Resolution:

*Resolved*, (by the Senate, the Assembly concurring,) That the two Houses adjourn *sine die*, on the first Monday of April next, and that no new business be introduced after the last Wednesday of March.

Mr. Keene moved that the resolution lie upon the table.

Mr. Norman moved a call of the Senate.

Agreed to.

The roll having been called the following Senators were absent without leave:

Messrs. May and Sprague.

On motion of Mr. Rust, further proceedings under the call were dispensed with.

The question being then taken on the motion to lay the resolution upon the table.

Messrs. Hawks, Burton and Peck demanded the ayes and noes, with the following result:

#### AYES.

Messrs. Colby, French, Gove, Hall, Hawthorne, Hook, Keene, Kendall, Leake, Lippincott, Mandeville, McCouu, Norman, Peck, Rust, Seellen and Tuttle—17.

#### NOES.

Messrs. Burton, Day, Flint, Hawks, Mahoney, McGarry, McNeil, Moore and Stebbins—9.

Mr. Tuttle submitted the following resolution:

*Resolved*, That the Committee on Public Morals and Police be instructed to

report back to the Senate to-morrow, Senate bill No. 60, entitled an Act to suppress Houses of Ill-Fame, with a recommendation that it pass.

Mr. Mandeville moved to strike out from the resolution the words, "with a recommendation that it pass."

Agreed to.

The resolution, as amended, was adopted.

Mr. Day presented the following report :

*Mr. President :*

The Select Committee, to whom was committed Assembly bill No. 42, entitled an Act to create a Board of Supervisors for the County of Alameda, have had the same under consideration, and report the same back and recommend its passage with the following amendments:

In section two, line tenth, strike out "February next," and insert "the third Monday of March, eighteen hundred and fifty-five."

S. DAY,  
Select Committee.

Adopted.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly have this day passed Senate bill No. 90, An Act to incorporate the City of Marysville.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 42, entitled an Act to create a Board of Supervisors for Alameda County.

Taken up and the amendment to the second section, reported by the Select Committee, having been concurred in,

Mr. Sprague moved that the bill lie upon the table.

Agreed to.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly has this day amended Assembly bill an Act concerning the collection of Taxes now due in the County



of San Francisco, by striking out "April 3d," in the first section of the bill, and inserting "May 15," and that the bill so amended has passed.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Hawks submitted a resolution, which was adopted, respectfully requesting the Assembly to return to the Senate the original copy of Assembly bill No. 184, entitled an Act concerning the collection of Taxes now due in the County of San Francisco.

Assembly bill No. 42, entitled an Act to create a Board of Supervisors for Alameda County.

Read a third time.

The question being, "Shall the bill pass?"

Messrs Tuttle, French and Leake demanded the ayes and noes, with the following result:

AYES.

Messrs. Day, Flint, Gove, Hall, Hawks, Hawthorne, Hook, Keene, Lippincott, Mahoney, Mandeville, May, McNeil, Moore, Peck, Rust and Stebbins—17.

NOES.

Messrs. Burton, French, Leake, McGarry, Sprague and Tuttle—6.

Mr. McGarry gave notice that he will, on Monday next, introduce a bill for an Act to create a Board of Supervisors in the County of Solano and Yolo, and to define their duties and powers.

Leave being granted, Mr. Hawks introduced a bill entitled an Act to authorize the Board of Supervisors of San Francisco County to allow and settle the claim arising out of the purchase of certain property in said County known as the Laffan & Gillespie purchase.

Read a first and second time and referred to the Delegation from San Francisco County.

On motion of Mr. Keene, Senate bill No. 76, entitled an Act to provide for the Indigent Sick in the Counties of this State, was taken from the table and made a special order for Monday next, 5th inst., at 12 o'clock M.

Assembly bill No. 66, entitled an Act granting to Edward De Witt and others the right to construct a Toll-Bridge across the Klamath River.

Taken from the table.

Mr. French moved to strike out from the bill the words "Court of Sessions" wherever the same occurred, and insert, in lieu thereof, the words, "Board of Supervisors."

Agreed to.

The bill, as amended, was read a third time.

The question being "Shall the bill pass?"

Mr. May moved a call of the Senate.

Agreed to.

The roll was called and the following Senators were absent without leave:

Messrs. Colby, Day, Flint, Gove, Hall, Hawks, Lippincott, Mahoney, Moore and Rust.

Messrs. Flint, Hawks and Day, were admitted within the bar and severally excused.

On motion of Mr. McGarry, further proceedings under the call were dispensed with.

The question being then taken on the passage of the bill, it was decided in the affirmative.

The following message was received from the Assembly:

*Mr. President :*

I am instructed, in accordance with a resolution of the the Senate, to return to the Senate the original Assembly bill No. 184, An Act concerning the collection of Taxes now due in the County of San Francisco, which is herewith returned accordingly.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

On motion of Mr. Leake, the rule was suspended, and the vote taken yesterday on the passage of said bill was re-considered.

On motion of Mr. Stebbins, the vote taken yesterday on the motion to order the bill to a third reading was re-considered.

Mr. Leake submitted the following amendment:

Amend by inserting after section first, the following:

*Provided*, nothing in this Act shall be so construed as to affect in any manner the official bonds of the Sheriff of the County of San Francisco; and, also, that the said Sheriff shall return all money collected by him and belonging to the State, to the State Treasury on the third Monday in April next.

Adopted.

Mr. Sprague moved to striks out the words "April 3d," where the same occur in the bill, and to insert, in lieu thereof, the words "May 15."

Adopted.

The bill, as amended, was read a third time and passed.

On motion of Mr. Leake, the Select Committee appointed to examine and report the condition of the papers and vouchers on which military claims have been audited and paid, etc., were granted an additional period of ten days to prepare and submit their report.

On motion of Mr. Hawks, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

WM. A. CORNWALL,  
Secretary.

## IN SENATE.

FRIDAY, March 2, 1855.

Senate met pursuant to adjournment.

The President *pro tem.* in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. Tuttle moved that the Senate re-consider the vote taken yesterday on the motion to lay upon the table a concurrent resolution introduced by Mr. Burton, that the two Houses adjourn *sine die*, on the first Monday of April next.

Upon which Messrs. Tuttle, Burton and May demanded the ayes and noes, with the following result:

## AYES.

Messrs. Burton, Flint, Hawthorne, May, McCoun, McGarry, Moore, Stebbins and Tuttle—9.

## NOES.

Messrs. Colby, French, Hall, Hook, Keene, Kendall, Leake, Lippincott, McNeil, Peck, Scellen and Sprague—12.

Senate bill No. 188, entitled an Act to provide temporarily for a Board of Supervisors for the County of El Dorado.

Considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported progress, and asked leave to sit again.

Granted.

Mr. Keene moved that the bill lie upon the table.

Agreed to.

Leave being granted, Mr. McNeil introduced a bill entitled an Act to create the County of Merced, to define its boundaries and provide for its organization.

Read a first and second time and referred to the Committee on Counties and County Boundaries.

Mr. Gove presented the following report:

*Mr. President :*

The Committee on Elections, to whom was referred Assembly bill No. 135, An Act supplemental to an Act to Regulate Elections, passed March 23, 1850, report the same back and recommend its passage.

A. S. GOVE.

Laid upon the table.

Leave being granted, Mr. Flint introduced a bill entitled an Act to amend

an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851.

Read a first and second time and referred to the Judiciary Committee.

Senate bill No. 81, entitled an Act appropriating money to pay outstanding Indebtedness of the State.

Considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported progress, and asked leave to be discharged from the further consideration of the bill.

Granted.

Mr. Sprague moved to strike out the words "one thousand," in the thirteenth line, and insert, in lieu thereof, the words "fifteen hundred."

Mr. Hook asked leave of absence for Mr. French till Tuesday next.

Granted.

Mr. Leake moved a call of the Senate.

Agreed to.

The roll having been called, the following Senators were absent without leave:

Messrs. Hawks, Keene, Peck and Stebbins.

On motion of Mr. Moore, leave of absence was granted to Mr. Hawks.

On motion of Mr. Burton, the Sergeant-at-Arms was dispatched after the absentees.

Messrs. Keene and Stebbins were admitted within the bar of the Senate and excused.

On motion of Mr. May, further proceedings under the call were dispensed with.

The question being then taken upon the amendment offered by Mr. Sprague.

Messrs. May, Sprague and Leake demanded the ayes and noes with the following result:

AYES.

Messrs. Colby, Gove, Hall, Keene, May, McGarry, Moore and Sprague—8.

NOES.

Messrs. Burton, Day, Flint, Hawthorne, Hook, Kendall, Leake, Mandeville, McCoun, McNeil, Norman, Rust, Scellen, Stebbins and Tuttle—15.

Mr. Burton moved that the Senate concur with the Committee of the Whole in their report.

Upon which Messrs. Leake, Sprague and Tuttle demanded the ayes and noes, with the following result:

AYES.

Messrs. Burton, Leake, Mandeville, McNeil, Norman, Scellen, Stebbins and Tuttle—8.

NOES.

Messrs. Colby, Day, Flint, Gove, Hall, Hawthorne, Hook, Kendall, Lippincott, Mahoney, May, McCoun, Moore, Rust and Sprague—15.



On motion of Mr. Sprague, the bill was ordered engrossed for a third reading.

The Chair (Mr. McGarry) laid before the Senate a communication from the Secretary of the Senate, requesting permission to employ additional clerks when the business of the Senate shall require it.

Laid upon the table.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on yesterday the first inst., the following Assembly bills:

No. 12, An Act to create a Board of Supervisors for the County of Shasta, and to define their duties and powers.

Also, No. 40, An Act to amend an Act entitled an Act amendatory and supplementary to the Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854.

No. 107, An Act to prohibit Barbarous and Noisy Amusements on the Christian Sabbath.

No. 116, An Act amendatory of and supplementary to an Act entitled an Act to provide for the Incorporation of Towns, passed March 27, 1850.

No. 164, An Act amendatory of and supplemental to an Act entitled an Act defining the legal distances from each County Seat in the State of California, to the State Capitol at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quentin, passed May 15, 1854.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

On motion of Mr. Leake, leave of absence was granted to the Select Committee appointed to examine and report the condition of the papers and vouchers on which military claims have been audited and paid.

Assembly bill No. 164, entitled an Act amendatory of and supplemental to an Act entitled an Act defining the legal distances from each County Seat in the State of California, to the State Capitol at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quentin, passed May 15, 1854.

Read a first and second time and referred to the Committee on Mileage.

Assembly bill No. 40, entitled an Act to amend an Act entitled an Act amendatory and supplementary to the Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 12, entitled an Act to create a Board of Supervisors for the County of Shasta, and to define their duties and powers.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 116, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the Incorporation of Towns, passed March 27, 1850.

Read a first and second time and referred to the Committee on Corporations.

Assembly bill No. 107, entitled an Act to prohibit Barbarous and Noisy Amusements on the Christian Sabbath.

Read a first and second time and referred to the Committee on Public Morals and Police.

Leave being granted, Mr. Colby introduced a bill entitled an Act to prohibit Public Gambling.

Read a first and second time, referred to the Committee on Public Morals and Police, and,

On motion of Mr. Gove, the usual number of copies were ordered printed.

Mr. Kendall gave notice that, on Monday next, he will introduce a bill for the Relief of James Miller for services as State Prison Inspector.

On motion of Mr. McCoun, leave of absence was granted to Mr. Peck.

On motion of Mr. Sprague, Senate bill No. 45, entitled an Act supplementary to an Act entitled an Act to provide for the sale of the interest of the State of California in the property within the Water Line Front of the City of San Francisco, as defined in an Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, was considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported progress, and asked leave to sit again.

Granted.

Mr. Colby moved that the bill lie upon the table and be made a special order for Wednesday next.

Lost.

Mr. McCoun moved that the bill lie upon the table and be made a special order for Thursday, 15th inst.

Agreed to.

Mr. Kendall, from the Delegation from Tuolumne County, to whom was referred Senate bill No. 71, entitled an Act to re-incorporate the City of Sonora, reported the same back, with amendments, and recommended its passage.

The bill was considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported the same to the Senate, and asked leave to be discharged from the further consideration of the bill.

Granted.

The report of the Committee of the Whole was concurred in.

On motion of Mr. Sprague, the bill was considered as engrossed, read a third time and passed.

Leave being granted, Mr. Flint introduced a bill entitled an Act to authorize the construction of a Wharf at Half Moon Bay, in the County of San Francisco.

Read a first and second time and referred to the Committee on Commerce and Navigation.

On motion of Mr. McNeil, Assembly bill No. 159, entitled an Act supplementary to an Act, passed May 15, 1854, entitled an Act to Fund the Debt of Mariposa County, and to provide for the payment of the same, was considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported the bill to the Senate, and asked to be discharged from the further consideration of the same.

Granted.

The report of the Committee of the Whole was concurred in.

The bill was read a third time and passed.

Mr. Flint presented the following report:

*Mr. President :*

Your Committee on Claims have examined the bill for the Relief of J. G. Stebbins, and beg leave to report favorably and recommend its passage.

WILSON FLINT.

On motion of Mr. Lippincott, Senate bill No. 96, entitled an Act to provide J. G. Stebbins with Duplicate Warrants in lieu of certain Warrants lost or destroyed, was considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported the bill to the Senate, and asked leave to be discharged from the further consideration of the same.

Granted.

The report of the Committee of the Whole was concurred in.

The bill was read a third time and passed.

On motion of Mr. Colby, the Senate adjourned.

SAMUEL PURDY,

President of Senate.

WM. A. CORNWALL,

Secretary of Senate.

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IN SENATE.

SATURDAY, March 3, 1855.

The Senate met pursuant to adjournment.

President *pro tem.* in the chair.

The Journal of yesterday was read and approved.

Mr. Flint presented the following report:

*Mr. President:*

Your Committee on Claims have examined the bill for the Relief of Louis Bartlett, and beg leave to report favorably and recommend its passage.

WILSON FLINT,  
J. W. MANDEVILLE.

Laid upon the table.

Mr. Flint presented the following report:

*Mr. President:*

The Committee on Claims, to whom was referred Senate bill No. 77, for an Act appropriating money for the payment of Frank Denver for services rendered in making repairs on the State Capitol, have had the same under consideration, and report it back to the Senate, with amendments, and recommend its passage.

WILSON FLINT,  
J. W. MANDEVILLE.

Laid upon the table.

Mr. Flint presented the following report:

*Mr. President:*

Your Committee on Claims, to whom was referred the bill for the Relief of P. K. Woodside, have examined the same and beg leave to report favorably and recommend its passage.

WILSON FLINT,  
J. W. MANDEVILLE.

Laid upon the table.

Mr. Stebbins presented the following report:

*Mr. President:*

The Committee on Enrolled Bills ask leave to report that they have examined and find correctly enrolled an Act to Incorporate the City of Marysville.

J. G. STEBBINS,  
Of Committee.

Mr. Leake presented the following report:

*Mr. President :*

The Committee on Counties and County Boundaries have had under consideration a bill to create the County of Merced, and recommend its passage with the following amendment:

Strike out the words "along said road" in the second line from the bottom of section first, and insert "in a straight line."

CHAS. A. LEAKE,  
Chairman.

Laid upon the table.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed



a bill for an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Civil Expenses of Government accruing prior to the first day of February, 1845.

Also, An Act to Re-Incorporate the City of Sonora.

Also, An Act to provide J. G. Stebbins with Duplicate Warrants in lieu of certain Warrants lost or destroyed.

G. W. COLBY,  
Chairman.

Mr. McNeil presented the following report:

*Mr. President :*

The majority of the Committee on Public Morals and Police, to whom was referred Senate bill No. 60, an Act to suppress Houses of Ill-Fame, have had the same under consideration, and have reported a substitute for the same and recommend its passage.

A. McNEIL,  
R. T. SPRAGUE.

Laid upon the table.

Mr. Stebbins presented the following report:

*Mr. President:*

The Committee on Commerce and Navigation, to whom was referred Senate bill for an Act to cede certain property to the City of Benicia, have had the same under consideration, and report it back with a recommendation that it pass.

D. MAHONEY,  
Chairman.

J. G. STEBBINS,  
B. C. WHITING,

Laid upon the table.

On motion of Mr. McGarry, the amendments reported by the Committee on Claims to Senate bill No. 77, entitled an Act appropriating money for the payment of Frank Denver for services rendered in making repairs on State Capitol, were severally concurred in.

On motion of Mr. Mandeville, the same was considered as engrossed, read a third time and passed.

Mr. Whiting, from the Committee on Corporations, to whom was re-committed Assembly bill No. 76, entitled an Act to amend an Act to provide for the Incorporation of Railroad Companies, passed April 22, 1853, reported the same back, with an additional amendment, and recommended its passage.

The bill was considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported progress and asked leave to sit again.

Granted.

Mr. Tuttle moved that the bill lie upon the table.

Agreed to.

Mr. McGarry presented the account of the Postmaster at Sacramento for postage charged the Senate during the month of February.

Referred to the Committee on Contingent Expenses.

Senate bill No. 81, entitled an Act appropriating money to pay outstanding Indebtedness of the State.

Read a third time and passed.

The question being then upon the substitute reported by the Judiciary Committee to the title of the bill, the same was adopted.

Mr. Mahoney presented the following report:

*Mr. President:*

The Committee on Commerce and Navigation, to whom was referred an Act authorizing P. B. Redding and others to improve and exclusively navigate the Sacramento River between Red Bluffs and Clear and Middle Creeks, have had the same under consideration, and report it back, with amendments, and recommend the passage of the bill.

D. MAHONEY,  
Chairman.

J. G. STEBBINS,  
G. D. HALL,  
W. W. HAWKS,

Senate bill No. 60, entitled an Act to suppress Houses of Ill-Fame.

Read.

The question being upon the adoption of the substitute reported by the Committee on Public Morals and Police to the said bill, the same was adopted.

The substitute, having the same title, was considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported the bill to the Senate, and asked leave to sit again.

Granted.

Mr. Colby moved that the bill lie upon the table and be made a special order for Tuesday next, 6th inst., at 12 o'clock M.

Upon which Messrs. Tuttle, Whiting and Mandeville demanded the ayes and noes with the following result:

AYES.

Messrs. Colby, Day, Flint, Gove, Hall, Hawthorne, Keene, Mahoney, McCoun, McGarry, McNeil, Moore, Scellen and Whiting—14.

NOES.

Messrs. Burton, Hawks, Hook, Leake, Lippincott, Mandeville, May, Norman, Peck, Rust, Sprague, Stebbins and Tuttle—13.

Mr. Stebbins presented the following report:

*Mr. President :*

The Committee on Enrolled Bills have presented to the Governor for his approval, an Act to Incorporate the City of Marysville.

J. G. STEBBINS,  
Of Committee.

Senate bill No. 87, entitled an Act authorizing P. B. Redding and others to improve and exclusively navigate the Sacramento River between Red Bluffs and Clear and Middle Creeks.

Considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported the bill to the Senate, and asked leave to be discharged from the further consideration of the same.

Granted.

Mr. Mandeville moved to strike out the enacting clause of the bill.

Mr. Sprague moved that the bill lie upon the table.

Agreed to.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on the 24th of February, Assembly bill No. 146, An Act to authorize H. Henderson, John Dooling, R. Thompson, and such others as they may associate with them, to construct a Wagon Road from Eureka, in Nevada County, to Truckee Meadows, east of the Sierra Nevada Mountains.

Also, have concurred in Senate amendments to Assembly bill No. 42, An Act to create a Board of Supervisors for Alameda County.

Also, this day, concurred in Senate amendment to Assembly bill No. 66, An Act granting Edward De Witt and others the right to construct a Toll-Bridge across the Klamath River.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 146, entitled an Act to authorize H. Henderson, John Dooling, R. Thompson, and such others as they may associate with them, to construct a Wagon Road from Eureka, in Nevada County, to the Truckee Meadows, east of the Sierra Nevada Mountains.

Read a second time and referred to the Committee on Internal Improvements.

Mr. Moore submitted a resolution that when the Senate adjourn they adjourn to meet again on Tuesday next at the usual hour.

Mr. Burton moved that the resolution lie upon the table.

Agreed to.

Senate bill No. 50, entitled an Act to create the Thirteenth Judicial District.  
Read.

The question being upon the adoption of the substitute reported by the Judiciary Committee to said bill.

Adopted.

The substitute, entitled an Act amendatory of and supplementary to an Act amendatory of and supplementary to an Act entitled an Act concerning Courts of Justice in this State and Judicial Officers, passed May 19, 1853, passed May 15, 1854.

Considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported progress, and asked leave to sit again.

Granted.

Mr. Kendall moved that the bill lie upon the table and be made a special order for Wednesday next, 7th inst., at 12 o'clock M.

Agreed to.

Senate bill No. 99, entitled an Act to create the County of Merced, to define its Boundaries and provide for its organization.

Considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported the bill to the Senate, and asked leave to be discharged from the further consideration of the same.

Granted.

The report of the Committee of the Whole was concurred in.

The bill was read a third time and passed.

On motion of Mr. Stebbins, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

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## IN SENATE.

MONDAY, March 5, 1855.

Senate met pursuant to adjournment.

The President *pro tem.* in the chair.

Prayer by the Rev. Mr. Pratt.

On motion of Mr. Leake, the roll of the Senate was called and the following Senators were found absent without leave:

Messrs. Day, Hall, Kendall, May, McCoun, Peck, Tuttle and Whiting.

On motion of Mr. Hook, leave of absence was granted to Mr. Whiting.

On motion of Mr. Burton, leave of absence was granted to Mr. Peck.

On motion of Mr. McGarry, leave of absence was granted to Mr. May



Mr. McGarry moved a call of the Senate.

Sustained.

The roll was called and the following Senators found absent without leave:

Messrs. Day, Hall, Kendall, McCoun and Tuttle.

Messrs. McCoun and Tuttle were admitted within the bar and excused.

On motion of Mr. Hook, further proceedings under the call were dispensed with.

The Journal of Saturday was read and approved.

Mr. McGarry presented the petition and account of Dr. James S. Martin for remuneration for services to sick, etc.

Referred to the Committee on Hospitals.

Mr. McGarry presented the following report:

*Mr. President :*

The Committee on Contingent Expenses, to whom was referred the account of Ferris Forman, Postmaster, for postage due for the month of February, (\$266 15), have had the same under consideration, find it correct, report the same back and recommend its payment.

EDW. MCGARRY,  
Chairman.

Report adopted and the account accompanying the same ordered paid.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed, An Act appropriating money for the payment of Frank Denver for services rendered in making repairs on State Capital.

Also, An Act to create the County of Merced, to define its Boundaries and provide for its organization.

G. W. COLBY,  
Chairman.

Mr. Stebbins submitted the following Concurrent Resolution:

*Resolved*, (by the Senate, the Assembly concurring,) That a Committee of two of the Senate and two of the Assembly be appointed to inquire and report to the two Houses as to the number and pay of Clerks and attachés employed by the present Legislature.

Adopted.

The President *pro tem.* appointed Messrs. Stebbins and Colby as such Committee

On motion of Mr. Hook, the memorial and Joint Resolutions requesting the

President of the United States to order the removal of the Land Office from Benicia to Sacramento, were read a second time.

Mr. Hook moved that the rule be suspended, and that the resolutions be read a third time.

Mr. McGarry moved that the resolutions be referred to the Committee on Federal Relations.

Lost.

The resolutions were laid over under the rule.

The special order of the day, Senate bill No. 76, entitled an Act to provide for the Indigent Sick in the Counties of this State.

Considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported progress, and asked leave to sit again.

Granted.

On motion of Mr. Keene, the bill was made a special order for to-morrow, at 13 o'clock M.

Mr. Rust moved that the Senate re-consider the vote taken on the 3d inst., on the motion that the substitute reported by the Committee on Public Morals and Police to Senate bill No. 60, entitled an Act to suppress Houses of Ill-Fame, be made a special order of the day for Tuesday, 6th inst.

Agreed to.

The Senate, as in Committee of the Whole, resumed the consideration of the substitute.

After some time spent therein, the Committee rose, reported the same to the Senate, and recommended its passage.

The report of the Committee of the Whole was concurred in.

Mr. Hawthorne moved that the bill lie upon the table.

Upon which Messrs. Sprague, Day and Tuttle demanded the ayes and noes, with the following result:

AYES.

Messrs. Colby, Gove, Hawthorne, Hook, McGarry and Rust—6.

NOES.

Messrs. Burton, Day, Keene, Lippincott, Mandeville, McCoun, McNeil, Norman, Scellen, Sprague, Stebbins and Tuttle—12.

Mr. Sprague moved that the bill be considered as engrossed and read a third time.

Agreed to.

The question being, "Shall the bill pass?"

Messrs. Day, Tuttle and Hawthorne demanded the ayes and noes, with the following result:

AYES.

Messrs. Burton, Colby, Day, Gove, Hawthorne, Hook, Keene, Lippincott, Mandeville, McCoun, McGarry, McNeil, Norman, Rust, Scellen, Sprague, Stebbins and Tuttle—18.

## NOES.

None.

Mr. Tuttle moved that the Senate re-consider the vote on the final passage of the bill.

Mr. Tuttle moved that the motion to re-consider be indefinitely postponed.

Carried.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 83, entitled an Act to declare the Tenure of Lands in the Mining Districts of this State, and have directed me to report the same back, with sundry amendments, recommending its passage as amended.

Also, Assembly bill No. 81, entitled an Act to legalize certain Records in San Luis Obispo County, and have directed me to report the same back, without amendment, and recommend its passage.

R. T. SPRAGUE,

Chairman.

Mr. Keene presented the following report:

*Mr. President :*

The Committee on Public Lands, to which was referred Assembly bill No. 105, entitled an Act to provide for the disposal of Lots in the Towns or Villages on the Public Lands in the County of Humboldt, have instructed me to report the same back, without a recommendation, and ask leave to be discharged from its further consideration.

B. F. KEENE,

Chairman.

Laid upon the table.

Senate bill No. 33, entitled an Act to amend an Act to regulate the settlement of the Estates of deceased persons.

Considered as in Committee of the Whole

After some time spent therein, the Committee rose, reported the same to the Senate, and recommended its passage.

On motion of Mr. Burton, the report of the Committee of the Whole was concurred in, and the bill was ordered to be engrossed for a third reading to-morrow.

Senate bill No. 83, entitled an Act to declare the Tenure of Lands in the Mining Districts of this State.

Considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported progress and asked leave to sit again.

Granted.

On motion of Mr. Burton, the bill was made a special order of the day for Thursday next, 8th inst.

Mr. Sprague moved a call of the Senate.

Agreed to.

The roll was called and the following Senators found absent without leave:

Messrs. Hall, Mandeville, McCoun and Stebbins.

On motion of Mr. Burton, Mr. Mandeville was admitted within the bar of Senate and excused.

On motion of Mr. Burton, further proceedings under the call were dispensed with.

Leave being granted, Mr. Tuttle introduced a bill entitled an Act to prohibit Gambling.

Read a first and second time and referred to the Committee on Public Morals and Police, and the usual number of copies ordered printed.

Leave being granted, Mr. Tuttle introduced a bill entitled an Act to regulate Fees in Office.

Read a first and second time, referred to the Judiciary Committee and the usual number of copies ordered printed.

Senate bill No. 75, entitled an Act appropriating money to pay Louis Bartlett for services rendered the State.

Considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported the same to the Senate and recommended its passage.

The report of the Committee of the Whole was concurred in.

Mr. Burton moved that the bill be considered as engrossed and read a third time.

Agreed to.

The question being then, "Shall the bill pass?"

Messrs. Sprague, Tuttle and Colby demanded the ayes and noes, with the following result:

#### AYES.

Messrs. Burton, Day, Gove, Hawthorne, Hook, Keene, Kendall, Lippincott, Mandeville, McCoun, McGarry, McNeil, Rust and Scellen—14.

#### NOES.

Messrs. Colby, Sprague and Tuttle—3.

On motion of Mr. Rust, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

WM. A. CORNWALL,

Secretary.



## IN SENATE.

TUESDAY, March 6, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. McGarry presented the petition of Jesse Sawyer, of Benicia, praying for compensation for services as Express Messenger for the various Departments of the State Government.

Read and referred to the Committee on Claims.

Mr. Heintzelman presented the petition of citizens of Sonoma County, praying for the enactment of a Prohibitory Liquor Law.

Read and referred to the Committee on Public Morals and Police.

Mr. Heintzelman presented the report of Grand Jurors empaneled at the February term of the Court of Sessions of Marin County, imploring the Legislature to annul the contract existing between the State and lessee of the State Prison, or that said lessee may be compelled to construct a substantial wall around said Prison so that the citizens of Marin County may not be in hourly dread of their lives and property.

Read and referred to the Committee on State Prison.

Mr. McNeil presented the following report:

*Mr. President :*

The Committee on Public Morals and Police, to whom was referred Assembly bill No. 107, An Act to prohibit Barbarous and Noisy Amusements on the Christian Sabbath.

Also, Senate bill No. 91, An Act for the better observance of the Sabbath, have had the same under consideration, and have amended the Senate bill with sundry amendments, and recommend its passage as amended.

A. McNEIL,

Chairman.

Laid upon the table.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, March 2, Assembly bill No. 181, An Act to provide for Funding the Floating Debt of the City of San Francisco, and for the extinguishment thereof.

Also, March 1, passed Assembly bill No. 197, An Act supplementary to an Act to provide for the permanent location of the Seat of Government of the State of California.

Also, passed March 3, Assembly bill No. 179, An Act proposing to the

Seventh Legislature an amendment to the Constitution of the State of California.

Also, passed March 1, Assembly bill No. 8, An Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850

Also, passed Feb. 28, Assembly bill No. 33, An Act concerning Lawful Fences.

Also, passed March 3, Senate bill No. 3, An Act concerning the Office of Treasurer of State, with the amendments therein shown, in which they ask the concurrence of the Senate.

Also, passed March 3, Senate bill No. 38, An Act to provide for the prosecution of Escheated Estates.

Also, that the Assembly passed, on the 5th inst., Assembly bill No. 172, An Act concerning the collection of Taxes in the County of Marin.

Also, Assembly bill No. 180, An Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Tuolumne.

Also, Assembly bill 191, An Act authorizing the Commissioners of the Funded Debt of the County of Tuolumne to re-issue certain Bonds to John W. Dwinelle.

Also, that the Assembly passed, this day, Senate bill No. 71, An Act to Re-Incorporate the City of Sonora.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 181, entitled an Act to provide for Funding the Floating Debt of the City of San Francisco, and for the extinguishment thereof.

Read a first and second time and referred to the San Francisco Delegation.

Assembly bill No. 197, entitled an Act supplementary to an Act to provide for the permanent location of the Seat of Government of the State of California.

Read a first and second time and laid upon the table.

Assembly bill No. 179, entitled an Act proposing to the Seventh Legislature an amendment to the Constitution of the State of California.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 8, entitled an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 33, entitled an Act concerning Lawful Fences.

Read a first and second time and referred to the Committee on Agriculture.

Assembly bill No. 172, entitled an Act concerning the collection of Taxes in the County of Marin.

Read a first and second time and referred to the Delegation from Marin County.

Assembly bill No. 180, entitled an Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Tuolumne.

Read a first and second time and referred to the Delegation from Tuolumne County.

Assembly bill No. 191, entitled an Act authorizing the Commissioners of the Funded Debt of the County of Tuolumne to re-issue certain Bonds to John W. Dwinelle.

Read a first and second time and referred to the Tuolumne Delegation.

The amendment made by the Assembly to Senate bill No. 3, entitled an Act concerning the Office of Treasurer of State, having been read,

Mr. Sprague moved that the bill lie upon the table.

Agreed to.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed An Act appropriating money to pay Louis Bartlett for services rendered the State.

Also, An Act to suppress Houses of Ill-Fame.

Also, a bill to amend an Act to regulate the settlement of the Estates of deceased persons.

G. W. COLBY,  
Chairman.

Leave being granted, Mr. Leake introduced a bill entitled an Act to provide for the erection of the State House of California.

Read a first time and laid over under the rule.

Mr. McGarry presented the certificate of the Chairman of the Standing Committee on Hospitals of services rendered by W. H. Williamson, to the Joint Committees on Hospitals as Sergeant-at-Arms for eight days.

Adopted and the account for such services ordered paid.

Mr. McGarry presented the account of Messrs. Thornbury & Co. for copies of the Mountain Herald newspaper furnished the Senate.

Read and referred to the Committee on Contingent Expenses.

Mr. Stebbins gave notice that he will, at an early day, introduce a bill for an Act supplementary to an Act entitled an Act to provide Revenue for the support of the Government of this State.

On motion of Mr. Heintzelman, the substitute reported by the Judiciary Committee to Senate bill No. 73, entitled an Act to provide for the erection of a County Jail and certain Bridges in the County of Sonoma, was taken from the table.

The question being upon the adoption of the substitute.

Decided in the affirmative.

Mr. Sprague moved to strike out from the first section, the words "Court House and."

Agreed to.

The substitute, as amended, was read a third time and passed.

Mr. McNeil, the Senator from Mariposa County, to whom, agreeably to the recommendation of the Judiciary Committee, was referred Assembly bill No. 90, entitled an Act supplementary to an Act entitled an Act concerning County Records, passed March, 1851, reported the same back, with amendments, and recommended its passage.

The report was concurred in.

The bill was considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported the same to the Senate, and recommended its passage.

The report of the Committee of the Whole was concurred in.

The bill was read a third time and passed.

On motion of Mr. Sprague, Assembly bill No. 129, entitled an Act fixing the

time of holding the several Courts authorized to be held by the County Judges in the Counties of Shasta, Santa Clara and Monterey, was read.

Mr. Sprague submitted the following amendment:

Strike out from section fourth, the word "Judge," and insert, in lieu thereof, the word "Judges."

Agreed to.

The bill, as amended, was read a third time and passed.

On motion of Mr. Whiting, Assembly bill No. 147, entitled an Act to fix the time of holding the District Court in the Third Judicial District, was read a third time and passed.

On motion of Mr. Keene, Senate bill No. 52, entitled an Act authorizing the State Treasurer to overdraw the General Fund to the amount of Fifty Thousand Dollars, was read a third time.

The question being, "Shall the bill pass?"

Messrs. Sprague, Day and Lippincott demanded the ayes and noes with the following result:

AYES.

Messrs. Crenshaw, Hook, Keene, Leake, May, McGarry, Norman, Peck, Rust, Scellen and Tuttle—11.

NOES.

Messrs. Burton, Colby, Day, Flint, Gove, Hall, Hawthorne, Heintzelman, Kendall, Lippincott, Mandeville, McCoun, McNeil, Sprague and Whiting—15.

The following message received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, March 6, 1855. }

*To the Senate and Assembly of California :*

On the 26th ultimo, I transmitted to the Senate and Assembly a special message in relation to the debt incurred by the State of California in the suppression of Indian hostilities, inviting the attention of the Legislature to the several Acts passed by the State on the subject, and, also, to the section of law passed by Congress, appropriating the sum of nine hundred and twenty-four thousand three hundred and fifty-nine dollars and sixty-five cents to be applied in part payment of the same.

The section of law, although obtained from Washington City, appears to have been incorrectly copied, and differs materially from the law as passed and published by authority of Congress.

By reference to pages 582 and 583 of the "Statute at Large," lately received, it will be perceived that the section numbered three (9) of the Act of Congress making appropriations for the support of the Army, directs the Secretary of War "to examine into and ascertain the amount of expenses incurred and now actually paid by the State of California in the suppression of Indian hostilities.

The copy of the law as received in manuscript from Washington City, quoted



in my communication of the 26th ultmo, reads "actually and *properly* paid by the State of California."

It will be seen that the difference is material and important. Under the section of law as published by authority of Congress, the Secretary of War is authorized and required to pay into the Treasury of the State of California the amount appropriated, as soon as he shall have "examined into and ascertained the amount *actually* paid by the State of California," and not the amount "*actually and properly* paid."

The subject being at this time under consideration in both Houses, it is deemed proper to point out the error, and invite your attention to the requirements of the section as correctly published by authority of Congress.

JOHN BIGLER.

The message was read, and,

On motion of Mr. Keene, referred to the Committee on Indian Affairs.

The following message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, March 5, 1855. }

*To the Senate of California :*

I have this day approved an Act entitled an Act to Incorporate the City of Marysville.

JOHN BIGLER.

The Senate, as in Committee of the Whole, resumed the consideration of the special order of the day, Senate bill No. 76, entitled an Act to provide for the Indigent Sick in the Counties of this State.

After some time spent therein, the Committee rose, reported progress, and asked leave to sit again.

Granted.

On motion of Mr. Keene, the amendments to the bill, adopted in Committee of the Whole, were concurred in by the Senate, and the bill was made a special order for to-morrow, at 12 o'clock.

Mr. Heintzelman, from the Delegation from Marin County, to whom was referred Assembly bill No. 172, entitled an Act concerning the collection of Taxes in the County of Marin, reported the same back, without amendment, and recommended its passage.

The report of the Delegation was concurred in.

On motion of Mr. Kendall, the rule was suspended and the bill was read a third time and passed.

Mr. Day submitted the following resolution:

*Resolved*, That the Sergeant-at-Arms be authorized to order for the use of each member of the Senate, two copies weekly of "The Oriental," an Anglo-Chinese paper, published in San Francisco, said copies to be furnished only during the session of this Legislature, and that the subscription for the same be paid from the Contingent Fund of the Senate.

Laid upon the table.

The Chair (Mr. McGarry) laid before the Senate a communication from the State Controller in reply to a resolution of the Senate, requesting him to report to the Senate the amount of appropriations that will be required for the support of the different Departments of the State Government from the first day of February, 1855, to the first day of February, 1856.

Read, and,

On motion of Mr. Tuttle, the usual number of copies were ordered printed.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly passed, on yesterday, a Concurrent Resolution in relation to appointing a Committee to visit the Insane Asylum at Stockton.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Concurrent Resolution directing the appointment of a Joint Select Committee to visit the Insane Asylum at Stockton.

Read, and,

On motion of Mr. Sprague, concurred in.

Senate bill No. 33, entitled an Act to amend an Act to regulate the settlement of the Estates of deceased persons.

Read a third time and passed.

Mr. Tuttle moved that the Senate consider Senate bill No. 3, entitled an Act concerning the Office of Treasurer of State.

Lost.

Assembly bill No. 197, entitled an Act supplementary to an Act to provide for the permanent location of the Seat of Government of the State of California.

Considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported progress, and asked leave to sit again.

Granted.

Mr. Sprague moved that the bill lie upon the table.

Agreed to.

On motion of Mr. Mandeville, the Senate adjourned.

SAMUEL PURDY,  
President of Senate.

WM. A. CORNWALL,  
Secretary of Senate.

## IN SENATE.

WEDNESDAY, March 7, 1855.

Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. McGarry presented the petition of ladies of the State of California, praying for the enactment of a Prohibitory Liquor Law.

Read and referred to the Committee on Public Morals and Police.

Mr. McGarry presented the petition of citizens of the State of California, praying for the enactment of a Prohibitory Liquor Law.

Read and referred to the Committee on Public Morals and Police.

Mr. McGarry presented the petition of Julius C. Tower, praying for compensation for provisions, liquors, etc., furnished volunteer troops during the first El Dorado War, and for transportation of the sick, etc.

Read and referred to the Select Committee appointed to examine and report on the condition of the papers and vouchers on which military claims have been audited and paid.

Mr. Heintzelman presented the petition of citizens of Mendocino County, praying for the passage of a law changing the boundary line between the Counties of Mendocino and Sonoma.

Referred to the Committee on Counties and County Boundaries.

Mr. May presented the following report:

*Mr. President:*

The Committee on Federal Relations, to which was referred Concurrent Resolution in relation to the negotiation of an Extradition Treaty with Mexico, have had the same under consideration, and respectfully report—

That, independent of treaty obligations, every nation possesses the power of delivering up on demand, those who, having committed crimes in another country, have fled and sought a refuge in their own territory. This extradition of criminals, where no treaty exists, is a matter of comity between nations, and rests in the sound discretion of the Government upon which the demand is made. A neglect or refusal to comply with such demand, where no treaty obligation exists, can neither be cause for complaint nor offense. But where treaties for the mutual delivery of criminals have been negotiated and ratified, each nation is bound to comply with the demand of the other, or throw itself open to the imputation of violating its engagements.

In the United States, both by common law and by statute, criminal offenses are defined, and the practice of the Courts in which these offenses are tried and punished, is also prescribed and regulated by statutory provisions. A jury is always allowed, and the military is subordinate to the civil authority, so that none are convicted without an opportunity for a fair and impartial trial.

The Government of Mexico is unstable, and alternates between tyranny on the one side and anarchy on the other. Revolutions are frequent, and political

offenses are almost daily punished by banishment, confiscation of property, imprisonment and even death.

The Courts being overawed by those who exercise for the time being political authority, are neither independent nor impartial.

The United States have always recognized the right of expatriation; and those who, coming from another country, seek an asylum in our own, should be hospitably received, unless they have been guilty of acts, which, by the laws of nations, are regarded as crimes.

It would, therefore, seem improper for the United States to enter into treaty obligations with any foreign government for the extradition of criminals, unless that government was stable and possessed of an independent, intelligent judiciary, with a written code of laws.

That Mexico is not such a government, her past and present history show.

There are but three nations with whom the United States have entered into treaty obligation on this subject. First, with Great Britain, by the treaty of Washington, negotiated and ratified in 1842. Second, with France, by a Convention entered into in 1843. And lastly, with the Hawaiian Islands, by a treaty concluded in 1849. This fact shows the extreme care which our Government have always exercised on this subject.

The negotiation of treaties is the most difficult and responsible duty which is devolved upon the President by the Constitution of the United States. If the Legislatures of the different States establish the precedent of passing resolutions of instructions concerning the management of our foreign affairs, will it not often place him in a delicate position? Will it not sometimes induce foreign nations to be overbearing and insolent in their demands from the supposition that the treaty making power here will be influenced by such supposed expressions of the popular will?

Your Committee would, therefore, recommend that the resolution be indefinitely postponed.

CHAS. A. TUTTLE,  
Chairman.

WILSON FLINT,  
W. B. MAY.

Laid upon the table.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, substitute to Senate bill No. 73, entitled an Act to provide for the erection of a County Jail and certain Bridges in the County of Sonoma.

G. W. COLBY,  
Chairman.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly has this day passed



Assembly bill No. 192, An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 192, entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers.

Considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported progress and asked leave to sit again.

Granted.

On motion of Mr. McGarry, the bill was made a special order for Friday, 9th inst., and the usual number of copies ordered printed.

The Senate, as in Committee of the Whole, resumed the consideration of the special order of the day, Senate bill No. 76, entitled an Act to provide for the Indigent Sick in the Counties of this State.

After some time spent therein, the Committee rose, reported the same to the Senate and recommended its passage.

The report of the Committee of the Whole was concurred in.

Mr. Sprague submitted the following amendment:

Insert after word "Asylum," in section two, the words, "one fifth shall be set apart for the use of the Indigent Sick of the City of San Francisco."

Mr. Hawks submitted the following amendment to the amendment:

Strike out "one-fifth," and insert, in lieu thereof, the words "two-fifths."

Lost.

The question then recurred upon the original amendment.

Adopted.

Mr. Kendall submitted the following amendment:

In section four, after the word "graduate," strike out the word "in," and insert, in lieu thereof, the words "from some legally incorporated college of."

Adopted.

Mr. Crenshaw submitted the following amendment:

In section four, strike out all after the word "medicine."

Adopted.

Mr. Hawks renewed his motion to strike out "one-fifth," in section two, and insert, in lieu thereof, the words "two-fifths."

Upon which Messrs. French, Flint and Maudeville demanded the ayes and noes with the following result:

AYES.

Messrs. Flint, Gove, Hawks, Hawthorne, Keene, McCoun, McGarry, McNeil, Moore, Peck, Rust, Scellen and Tuttle—13.

NOES.

Messrs. Burton, Crenshaw, Day, French, Heintzelman, Hook, Kendall, Lippincott, Maudeville, May, Norman, Sprague and Whiting—13.

On motion of Mr. McGarry, the bill was ordered to be engrossed for a third reading to-morrow.

On motion of Mr. Kendall, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

WM. A. CORNWALL,

Secretary.

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IN SENATE.

THURSDAY, March 8, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Leake presented the following report:

*Mr. President :*

The Special Committee appointed to examine into the condition of the papers and vouchers on which military claims have been allowed and paid by the Board of Examiners of War Claims, and of the character of out-standing claims, and of claims rejected by the Board of Examiners, also, who of the officers connected with the expedition against the Indians have failed or neglected to account for the property belonging to the State in their hands, or for bonds on the War Loan Fund, and the amount of the same, and such other facts and suggestions as they may deem necessary, beg leave to report:

That from the complex character of the vouchers, and manifest disorder and confusion of the papers and documents belonging or in any way connected with the Indian War debt, they deemed it advisable, in order to comply fully with the object and intention of the resolution, and to give a clear and satisfactory explanation of the state of the Indian War Debt, to take up the expeditions as set forth in the general and specific statement as made out by the direction of the Board of Examiners.

## MARIPOSA AND MONTEREY.

A great many of the vouchers in this expedition are missing and can only be explained by reference to the pay and Quartermaster's rolls. Major James Burney, Paymaster to the expedition, received from the Board of Examiners war warrants corresponding in amount to the several claims which were paid by him to the claimants.

The number of animals purchased for the use of the expedition, is seventy-three, at a cost to the State of \$10,722. There are full returns on file from John G. Marvin, Quartermaster of the Mariposa expedition, showing what disposition was made of the animals and other property belonging to the State in his hands; also, his oath, stating that he disposed of all the government property that came into his hands, and that he has not appropriated nor retained any part to his own use, except such as he accounted for in his returns to the Controller's office.

## FIRST EL DORADO.

Major William Rogers was appointed Paymaster of this expedition, and received from the Board of Examiners the sum of one hundred thousand dollars, in twelve per cent. bonds on the War Loan Fund. Twenty-four of his vouchers have pasted on wafered signatures attached to them, authorizing, in the aggregate, to the sum of \$15,008 03. *It is proper to remark, that from information obtained by the Committee, they are satisfied that claimants were in the habit of giving their signatures in blank for amounts due them, and these signatures were afterwards attached to the papers as above described.*

The Paymaster, in making his disbursements, has made errors in his vouchers of \$546 45, and in settling with claimants he has taken up claims to the amount of \$7,015 09, and charged the State with the whole amount. He did not pay bonds of the State on the War Loan Fund, nor money, but gave his receipts to the claimants, stating in some of the receipts that he would pay gold or silver at whatever War Bonds were worth at the time the receipt was given. The Board of Examiners have paid most of these claims, so that they are charged to the State twice, first by Rogers as vouchers, and next by the Board of Examiners.

Accompanying this report is a statement of Major Rogers' accounts by the present Board of Examiners, the former Board of Examiners never having had a formal settlement with him.

By reference to the statement of his accounts marked A, it will be seen that he falls short in his disbursements \$23,171 83.

The number of animals purchased for the use of this expedition is fourteen, at a cost of \$1,185, three of which have been accounted for, worth \$209.

The Quartermaster, B. F. Ankiny, has made no returns of the disposition made of the animals and other public property.

## SECOND EL DORADO.

The Board of Examiners have paid all the claims in this expedition. The number of animals purchased for the use of the expedition is 126, at a cost to the State of \$19,060. The Quartermaster, A. W. Bee, has made no returns of the disposition made of the public property or animals. There is a statement on file of a sale of forty animals and some wagons and harness, camp equipage, etc., which purports to have taken place at Placerville, July 26, 1851, with the names of the purchasers, amounting to \$2,950, but it cannot be ascertained who received the proceeds of the sale.

## LOS ANGELES AND UTAH.

The Board of Examiners have paid the claims in these expeditions. The Quartermaster and Commissary, Ira W. Bird, conjointly with Maj. Gen. J. H. Bean, drew drafts on Richard Roman, State Treasurer, in favor of the claimants for the several amounts due them. The number of animals purchased for the use of these expeditions, is 146, at a cost to the State of \$18,678.

The Quartermaster and Commissary, Ira W. Bird, caused a sale to be made at public auction, of the public property remaining on hand after the troops were disbanded. The property consisted of sixty-nine animals, camp equipage, etc., amounting to \$2,075 75, which amount was deducted from the account of the Quartermaster against the State. The balance of the animals are satisfactorily accounted for by his returns, showing that they were killed and expended in the service of the State.

TRINITY, KLAMATH AND CLEAR LAKE SISKIYOU "VOLUNTEER RANGERS," AND SAN DIEGO "FITZGERALD VOLUNTEERS."

The Board of Examiners have paid the claims of these expeditions. No animals purchased. The officers and men furnished their own horses and received pay for the use of the same at the rate of one dollar per day.

GILA—"COLORADO VOLUNTEERS."

William Foster was appointed Paymaster of this expedition, and received from the Board of Examiners the sum of \$99,000 dollars in twelve per cent. War Bonds of this State. Gen. Joseph C. Morehead, Quartermaster and Commissary, drew drafts on Richard Roman, State Treasurer, in favor of the claimants for the several amounts due to them. The Paymaster in making his disbursements has made errors in his vouchers of \$6,596 50. He also took up the claims of others against the State, made the claimants or their agents receipt for the same, charged the State with the full amount of their claim or claims, and in cases where the claims exceed a bond or bonds of \$1000, he issued certificates of balances where a surplus remained, and these certificates were, in some instances, paid by himself and re-charged to the State. Some of these certificates of balances have been paid by the Board of Examiners. The amount of the certificates of balance is \$2,388, which is charged to the State twice.

The Paymaster has also paid clerk hire to the amount of \$8,625, without any authority for so doing. There is nothing on the returns of the expedition to show that clerks were necessary, or that they even rendered the services for which they received the aforesaid large amount.

He also purports to have paid claims amounting to \$1,890, without producing proper vouchers for such payments. All the aforesaid amounts are deducted from his disbursements, as will appear by reference to the settlement of his accounts by the present Board of Examiners, a statement of which accompanies this report, marked B, wherein will be seen that, according to the said settlement, he falls short \$32,416 04, cost of animals to the State; \$5,571 not accounted for.

## UNAUDITED CLAIMS.

Accompanying this report is a list of claims on which the Board of Exami-



ners have not as yet acted, some of which are legal claims, which have not been paid for the reason that the claims required proof of some kind.

The amount of said claims (some of them are of doubtful character) is \$17,195 79. A distinction between the legal and illegal claims is drawn as will be seen by reference to said list, and is marked C.

#### REJECTED CLAIMS.

The list of claims rejected by the Board of Examiners, marked D, amounts to \$7,740 67. They were rejected for the reasons set forth in said list.

#### CLAIMS PAID TWICE BY BOARD OF EXAMINERS.

The former Board of Examiners paid claims amounting to \$1,027 50, and the present Board paid \$468, making \$1,495 50, which had been previously paid.

From the foregoing statement, the war indebtedness would stand thus:

Amount of twelve per cent. bonds on the War Loan Fund issued to William Rogers, - - - - -	\$100,000 00
Amount of twelve per cent. bonds on the War Loan Fund issued to William Foster, - - - - -	99,000 00
One twelve per cent bond on the War Loan Fund, special appropriation to J. L. Boling, - - - - -	1,000 00
Amount of warrants on the War Loan Fund issued by the Board of Examiners, including the amount delivered to Jas. Burney, Paymaster of the Mariposa and Monterey Expeditions, -	643,573 48
Warrants issued for two claims audited since January 1, 1855, -	606 25
Total amount of War Debt, without interest, (as audited), -	<u>\$844,179 73</u>

#### DEFICITS.

##### *Exhibit A.*

William Rogers, Paymaster First El Dorado Expedition, -	\$23,171 83
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##### *Exhibit B.*

William Foster, Paymaster Gila Expedition, - - - - -	32,416 04
Board of Examiners, - - - - -	1,495 50
Total, - - - - -	<u>\$57,083 37</u>

#### QUARTERMASTERS WHO HAVE FAILED TO MAKE RETURNS OF PUBLIC PROPERTY.

##### *Exhibit E.*

B. F. Ankiny, Quartermaster First El Dorado Expedition, -	\$1,185 00
A. W. Bee, Quartermaster Second El Dorado Expedition, -	19,060 00
Joseph C. Morehead, Quartermaster Gila Expedition, -	5,571 00
	<u>\$25,816 00</u>

Your Committee respectfully recommend that the Board of Examiners be allowed an efficient clerk to keep their books, accounts and papers in order, and to assist the Board in the discharge of their duties. The complicated character of the business devolving on the Board is such that it is absolutely impossible for the officers, in the midst of their other very onerous duties, to give it such attention as its importance demands. Although, as a general thing, the members of the Boards have exercised extreme caution, yet in some few instances impositions have been practiced on them. These impositions were such, however, that it was impossible to guard against at the time, and they were detected only after the full and thorough examination and exposition recently made by them through the assistance of Mr. Phelan. As time elapses these claims become still more difficult of adjustment, and your Committee are satisfied that the employment of an efficient clerk is absolutely necessary to protect the State against further impositions.

Your Committee would further recommend that the Controller of State be instructed to commence proceedings against the sureties of the defaulting officers, as provided in the revenue law.

Your Committee cannot, in justice to themselves, conclude this report without referring to the efficient and invaluable services of their clerk, Mr. A. J. F. Phelan, to whose labors we are greatly indebted for the methodical arrangement of this report and the accompanying documents.

CHAS. A. LEAKE,  
G. W. HOOK,  
Committee.

Mr. Norman moved that five hundred copies of the report be ordered printed.

Mr. Colby moved to strike out from the motion, the words "five hundred," and insert "one thousand."

Agreed to.

The motion, as amended, was adopted.

Mr. Norman presented the following report:

*Mr. President :*

The Committee on Enrollment have examined and found correctly enrolled, An Act to provide for the prosecution of Escheated Estates.

W. B. NORMAN,  
Chairman.

Mr. Flint presented the pay roll of the San Francisco Rangers.

Referred to the Select Committee appointed to examine and report on the condition of the papers and vouchers on which military claims have been audited and paid.

Senate bill No. 76, entitled an Act to amend an Act to provide for the incorporation of Railroad Companies, passed April 22, 1853.

Considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported the bill to the Senate, and recommended its passage.

The report of the Committee of the Whole was concurred in.

The bill having been read a third time,

Mr. Peck moved that the same lie upon the table and be made a special order for Thursday next, 15th inst.

Lost.

Mr. Crenshaw moved that the bill be re-committed to the Committee on Corporations, with instructions to amend the sixth subdivision so as to prevent the owners of said road from working any such claims, and providing that claims shall not be located upon said tract after the said road shall be built and used.

The motion was agreed to.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, a bill for an Act to provide for the Indigent Sick in the Counties of this State.

G. W. COLBY,  
Chairman.

Mr. Leake moved that Senate bill No. 104, entitled an Act to provide for the erection of the State House of California, be referred to the Committee on State Prison.

Lost.

Mr. McGarry moved that the bill be referred to a Select Committee of five.

Lost.

Mr. Leake moved that the bill be referred to a Select Committee of three.

Lost.

Mr. Sprague moved that the bill be referred to the Committee on Public Expenditures.

Agreed to.

Leave being granted, Mr. McFarland introduced a bill entitled an Act for the relief of Wheeler & Morgan for goods furnished the Expedition to suppress Indian hostilities in 1852.

Read a first and second time and referred to the Committee on Claims.

On motion of Mr. Heintzelman, the usual number of copies of Assembly bill No. 33, entitled an Act concerning Lawful Fences, were ordered printed.

Mr. Heintzelman presented the following report:

*Mr. President :*

The Committee on Agriculture, to whom was referred Senate bill No. 58, entitled an Act concerning Ejectments, have had the same under consideration, and being unanimously in favor of the general principles of the bill, and impressed with the importance and necessity of speedy action, and knowing the conflicting opinions of the legal ability in this body heretofore upon this subject, believe that the early and favorable action of the Senate upon the bill will be advanced by a reference to the Judiciary Committee, with instructions to report at an early day.

Your Committee, therefore, report the bill back to the Senate, and recom-

mend that it be referred to the Judiciary Committee with instructions to report on Monday next.

H. P. HEINTZELMAN,  
A. S. GOVE,  
W. B. NORMAN,  
EDW. McGARRY.

Laid upon the table.

Mr. Mandeville presented the following report:

*Mr. President:*

The Committee on Roads and Highways, to whom was referred Senate bill No. 82, have duly considered the same, and respectfully report it back to the Senate, with amendments, and recommend its passage.

J. W. MANDEVILLE,  
Chairman.

Laid upon the table.

Mr. Norman presented the following report :

*Mr President :*

The Committee on Enrollment have, this day, presented to the Governor, for his signature, the following Act:

An Act to provide for the prosecution of Escheated Estates.

W. B. NORMAN,  
Chairman.

March 8, 1855.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly, on yesterday, concurred in Senate Concurrent Resolution in relation to appointing a Committee of two on the part of the Senate and two on the part of the House to inquire and report as to the number and pay of clerks and attachés employed by the present Legislature; and that Messrs. Douglas and Flourney are appointed the Committee on the part of the House.

Also, that the Assembly passed Senate bill No. 73, An Act to provide for the erection of a County Jail and certain Bridges in the County of Sonoma.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The President laid before the Senate the following communication from the Surveyor General.



STATE SURVEYOR GENERAL'S OFFICE, }  
 Sacramento, March 6, 1855. }

HON. SAMUEL PURDY,  
 President of the Senate:

Sir :—

In compliance with a Concurrent Resolution which passed the Senate on the 13th and the Assembly on the 14th of February, I have conferred with the United States Surveyor for California, and have ascertained that he is willing to furnish the copy of map called for, embracing such additional surveys and information as may be received during its compilation, for two thousand dollars. It can be furnished in about four weeks.

I embraced the opportunity this conference afforded to obtain some information not called for by the Resolution, which, in view of its importance, I transmit at the risk of being considered too officious.

There are in the United States Surveyor General's office, at this time, some two hundred township plats, full half of which have swamp and overflowed lands delineated on them. Copies of these, like the specimen herewith transmitted, can be obtained for twelve dollars each. Copies on tracing paper, giving merely the outlines of the swamp and overflowed lands, omitting the filling in with topographical signs, in all other respects resembling the specimen, will be equally useful, and can be obtained for five dollars each. Those having no swamp and overflowed land may, perhaps, be had for a trifle less.

I respectfully request that I may be authorized to obtain tracings of the township plats now in the United States Surveyor General's office; also, of such as shall be received by him during the present year, for the use of this office. Copies could be made at trifling expense, and sent to the County Surveyors of the respective counties in which the townships lie.

These plats will furnish at a glance information that cannot otherwise be obtained of value in devising a plan for securing and disposing of the lands, and almost an absolute necessity to County Surveyors or others in surveying the same, and in comparing the boundaries as traced by the United States Deputy Surveyors, with the true boundaries, according to their own knowledge or that of other respectable persons whose statements under oath, according to the Commissioner of the General Land Office, will be regarded as establishing the facts in the case.

They will be useful, also, in the location of School Fund Warrants, and in the selection of School lands.

The above plats include only those townships which are subdivided into sections.

I am, very respectfully,  
 Your obedient servant,

S. H. MARLETTE,  
 State Surveyor General.

Mr. Day moved that the usual number of copies of the communication be ordered printed

Agreed to.

Mr. Crenshaw moved that the communication be referred to the Committee on Public Lands.

Agreed to.

Leave being granted, Mr. Flint introduced a bill entitled an Act to amend an Act defining the time for commencing Civil Actions, passed April 22, 1850. Read a first time and laid over under the rule.

Mr. Rust presented the following report:

*Mr. President :*

The Committee on Mileage have had under consideration Assembly bill No. 164, amendatory of an Act defining the legal distances from each County Seat in the State of California to the State Capital at Sacramento, and other places, and report the same back with the following substitute for section first:

Section 1. Section second of the said Act, so far as the same relates to the County of Siskiyou, is hereby amended so as to read as follows, to-wit: From the County Seat of Siskiyou County to Sacramento, three hundred and fifty miles; to Stockton, four hundred and five miles; and to San Quentin, five hundred and five miles.

P. C. RUST,  
Chairman.

Laid upon the table.

Mr. Hook gave notice that he will, on to-morrow, introduce a bill authorizing the Governor of this State to transmit to the Secretary of War at Washington City, a statement in relation to the War Debt of the State of California.

The Senate, as in Committee of the Whole, resumed the consideration of the special order of the day, Senate bill No. 83, entitled an Act to declare the tenure of lands in the Mining Districts of this State.

After some time spent therein, the Committee rose, reported the bill to the Senate and recommended its passage.

The report of the Committee of the Whole was concurred in.

Mr. Crenshaw submitted the following additional section:

Section 3. This Act shall take effect from and after the first of July next.

Adopted.

Mr. Kendall moved that the bill lie upon the table and be made a special order for Wednesday next.

Lost.

Mr. Burton moved that the bill be ordered engrossed for a third reading.

Agreed to.

The special order of the day, Senate bill No. 94, entitled an Act to prohibit the sale of Spirituous and Intoxicating Liquors, having been read by its title.

On motion of Mr. Sprague, the same was referred to the Committee on Public Morals and Police, and made a special order of the day for Thursday, 15th inst., and the usual number of copies of the bill were ordered printed.

Mr. Heintzelman moved that the Senate re-consider the vote taken yesterday on the motion that Senate bill No. 76, entitled an Act to provide for the Indigent Sick in the Counties of this State, be ordered engrossed for a third reading.

Mr. Mandeville moved a call of the Senate.

Agreed to.

The roll being called the following Senators were absent without leave:

Messrs. Crenshaw Flint, Hook, Kendall, May, Peck, Stebbins and Whiting.

Messrs. Crenshaw, Flint, May, Peck, Stebbins and Whiting, were severally admitted within the bar of the Senate and excused.

On motion of Mr. Mandeville, the Sergeant-at-Arms was dispatched after the absentees.

Mr. Rust moved that further proceedings under the call be dispensed with.

Lost.

Mr. Hook was admitted within the bar of the Senate and excused.

Mr. Burton moved that further proceedings under the call be dispensed with.

Lost.

Mr. Kendall was admitted within the bar of the Senate and excused.

Mr. Day moved that further proceedings under the call be dispensed with.

Agreed to.

Mr. Spragne moved that the motion to re-consider the vote ordering the bill to a third reading be indefinitely postponed.

Upon which Messrs. Hawks, French and Flint demanded the ayes and noes with the following result:

#### AYES.

Messrs. Burton, French, Hook, Keene, Kendall, Leake, Mandeville, May, McCoun, McFarland, Norman, Peck, Scellen, Sprague and Whiting—15.

#### NOES.

Messrs. Colby, Crenshaw, Day, Flint, Gove, Hall, Hawks, Hawthorne, Heintzelman, Lippincott, Mahoney, McGarry, McNeil, Moore, Rust, Stebbins and Tuttle—17.

The question being then taken on the motion to re-consider the vote on the motion that the bill be ordered engrossed for a third reading.

Messrs. Mandeville, Hawks and Flint demanded the ayes and noes with the following result:

#### AYES.

Messrs. Crenshaw, Flint, Gove, Hall, Hawks, Hawthorne, Heintzelman, Lippincott, Mahoney, McGarry, McNeil, Moore, Stebbins and Tuttle—14.

#### NOES.

Messrs. Burton, Day, French, Hook, Keene, Kendall, Leake, Mandeville, May, Norman, Peck, Scellen, Sprague and Whiting—14.

Mr. Moore demanded a re-count of the vote last taken.

Mr. Hawks moved that the bill be re-committed to the Committee on Hospitals, with instructions to report it with the following amendment:

Strike out the word "other," in the sixth line of section two, and insert, in lieu thereof, the word "several."

Upon which Messrs. French, Tuttle and Kendall demanded the ayes and noes with the following result:

AYES.

Messrs. Colby, Flint, Gove, Hall, Hawks, Hawthorne, Heintzelman, Mahoney, McNeil, Moore, Peck and Rust—12.

NOES.

Messrs. Burton, Day, French, Hook, Keene, Kendall, Leake, Lippincott, May, McCoun, McFarland, McGarry, Scellen, Sprague, Stebbins, Tuttle and Whiting—17.

On motion of Mr. Kendall, the Secretary of the Senate was directed to erase the word "city," in the fifth line of the second section of the engrossed bill, and insert, in lieu thereof, the word "county."

The bill was read a third time.

The question being, "Shall the bill pass?"

Messrs. Flint, Hawks and May demanded the ayes and noes with the following result:

AYES.

Messrs. Burton, Colby, Day, French, Hall, Hook, Keene, Kendall, Leake, Lippincott, May, McCoun, McFarland, McGarry, McNeil, Peck, Rust, Scellen, Sprague, Stebbins, Tuttle and Whiting—22.

NOES.

Messrs. Flint, Gove, Hawks, Hawthorne—4.

The question being then, "Shall the title of the bill stand?"

Mr. Mahoney submitted the following substitute:

An Act to collect funds from the citizens of San Francisco to support paupers from other parts of the State.

Upon which the ayes and noes were ordered, with the following result:

AYES.

Messrs. Flint, Hawks and Mahoney—3.

NOES.

Messrs. Burton, Colby, Crenshaw, Day, French, Gove, Hall, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, Mandeville, May, McCoun, McGarry, McNeil, Norman, Peck, Rust, Scellen, Sprague, Stebbins, Tuttle and Whiting—27.

Mr. French presented the following report:

*Mr. President:*

The Committee on Public Expenditures, to whom was referred the report of



the Secretary of State and Superintendent of Public Buildings of January 24, report a bill and recommend its passage.

A. FRENCH,  
Chairman.

Laid upon the table.

Mr. Tuttle submitted the following resolution:

*Resolved*, That the Sergeant-at-Arms be requested to direct that no documents or letters of members be taken from the Senate Chamber, unless by the Post Office or such Express Companies as are authorized by contract so to do.

Adopted.

Mr. Keene moved that the Senate proceed to consider Assembly bill No. 132, entitled an Act concerning the Offices of Controller and Treasurer of State.

Lost.

On motion of Mr. May, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

WM. A. CORNWALL,  
Secretary.

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## IN SENATE.

FRIDAY, March 9, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. Norman presented the following report:

*Mr. President :*

The Committee on Enrollment have examined and found correctly enrolled, an Act to Re-Incorporate the City of Sonora.

Also, An Act to provide for the erection of a County Jail and certain Bridges in the County of Sonora.

W. B. NORMAN,  
Chairman.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, a bill for an Act to declare the tenure of lands in the Mining Districts of this State.

G. W. COLBY,  
Chairman.

Mr. Norman presented the following report:

*Mr. President :*

The Committee on Enrollment have this day presented to the Governor, for his signature, the following Acts:

An Act to Re-Incorporate the City of Sonora.

Also, An Act to provide for the erection of a County Jail and certain Bridges in the County of Sonoma.

W. B. NORMAN,  
Chairman.

Mr. Moore presented the petition of ladies—officers of the San Francisco Orphan Asylum Society, praying for an appropriation for the support of that Asylum.

Read and referred to a Select Committee of three, consisting of Messrs. Moore, McCoun and Kendall.

The President laid before the Senate the following message from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, March 8, 1855. }

*To the Senate and Assembly of California :*

In compliance with a Concurrent Resolution, passed by the Senate and Assembly, and received by me on the 6th inst., I have this day addressed a letter to the Secretary of War, Washington City, requesting him to direct the Ordnance Officer at the Benicia Arsenal to deliver to the Quartermaster General of this State, a complete light field battery for the use of the State of California.

JOHN BIGLER.

The President laid before the Senate the following message from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, March 9, 1855. }

*To the Senate and Assembly of California:*

I have the honor herewith to transmit to the Senate, a report made by the State Geologist, Dr. John B. Trask, in compliance with an Act, passed May 15, 1854, entitled an Act to authorize and enable Dr. John B. Trask to complete his Geological Examination of parts of the State of California.

The copy herewith transmitted being the only one furnished me, it becomes my duty respectfully to request the Senate to inform the Assembly that the same has been received and is in possession of the Senate.

JOHN BIGLER.

Mr. May moved that five hundred copies of the report be ordered printed.

Mr. Lippincott moved that one thousand copies of the report be ordered printed.

Mr. Keene moved that the report be referred to the Committee on Printing with instructions to report to the Senate the number of copies it may be proper to print for the use of the Senate and Assembly.

Agreed to.

Mr. Keene presented the following report:

SENATE CHAMBER,  
Sacramento City, March 8, 1855. }

TO THE HON. S. PURDY,  
President of the Senate:

The Committee on Public Lands, to whom was referred Senate bill, entitled an Act to authorize John W. Owen to build a Wharf in Solano County, have had the same under consideration, and after a full and fair investigation, have arrived at the conclusion that it would be detrimental to the interests of the citizens of Suisun Valley, to enact any law granting further wharf privileges at Suisun Embarcadero in said County, and have instructed me to report the same back and recommend its indefinite postponement.

All of which is respectfully submitted,

B. F. KEENE,  
Chairman.

Laid upon the table.

Mr. Stebbins gave notice that he will, at an early day, introduce a bill for an Act to authorize Robert McAdams and others to construct a Wagon Road from McAdams' Bridge, on Dry Creek, Yuba County, to Camptonville.

Mr. Stebbins gave notice that he will introduce a bill for an Act to Fund the Debt of the City of Marysville, and to provide for the payment of the same.

Mr. Crenshaw presented the petition of James Walsh, praying for Relief for losses sustained by Indian incursions.

Referred to a Select Committee, consisting of Messrs. Crenshaw, Keene and Sprague.

Mr. Crenshaw gave notice that he will, at an early day, introduce a bill concerning the Registry of Steamboats and other vessels navigating the waters of this State.

The President laid before the Senate a communication from the Secretary of State in reply to a resolution of the Senate requesting him to furnish the Senate with an account of all moneys received into the Library Fund, and the books for which the same has been expended, etc.

The communication was read, and,

On motion of Mr. Mandeville, referred to the Committee on State Library.

Mr. Heintzelman gave notice that, at an early day, he will introduce a bill to define the boundaries of Sonoma County.

Mr. Whiting, from the Committee on Corporations, to whom was referred Assembly bill No. 76, entitled an Act to amend an Act to provide for the Incorporation of Railroad Companies, passed April 22, 1853, reported the same back, with amendments, according to instructions.

On motion of Mr. Tuttle, the Senate, as in Committee of the Whole, proceeded to consider the report of the Committee on Public Morals and Police, to whom was referred Assembly bill No. 107, and Senate bill No. 91, entitled, respectively, an Act to prohibit Barbarous and Noisy Amusements on the Christian Sabbath, and an Act for the better observance of the Sabbath.

After some time spent therein the Committee rose, reported progress, and asked leave to sit again.

Granted.

On motion of Mr. Sprague, Senate bill No. 91, entitled an Act for the better observance of the Sabbath, was adopted as a substitute for Assembly bill No. 107, entitled an Act to prohibit Barbarous and Noisy Amusements on the Christian Sabbath.

On motion of Mr. Day, the substitute was made a special order of the day for to-morrow.

According to previous notice, Mr. Hook introduced a bill entitled an Act authorizing the Governor of this State to transmit to the Secretary of War at Washington City, a statement in relation to the War Debt of California.

Read a first and second time and referred to the Judiciary Committee.

Leave being granted, Mr. Hall introduced a bill entitled an Act to prescribe the time for taking Appeals in certain Cases.

Read a first and second time and referred to the Judiciary Committee.

On motion of Mr. Keene, the Senate, as in Committee of the Whole, resumed the consideration of the special order of the day, Assembly bill No. 192, entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers.

After some time spent therein, the Committee rose, reported the same to the Senate, and asked leave to be discharged from the further consideration of the same.

Granted.

On motion of Mr. Keene, the report of the Committee of the Whole was concurred in.

Mr. Mandeville moved to strike out the thirteenth section of the bill.

Upon which Messrs. Sprague, Norman and Stebbins demanded the ayes and noes, with the following result:



AYES.

Messrs. Burton, Crenshaw, Heintzelman, Hook, Lippincott, Mandeville, McCoun, McFarland, McNeil, Peck, Sprague, Stebbins and Tuttle—13.

NOES.

Messrs. Colby, Day, French, Gove, Hall, Hawthorne, Keene, Leake, McGarry, Norman, Rust, Scellen and Whiting—13.

Mr. Sprague moved to strike out the thirteenth section, and insert, in lieu thereof, the following substitute:

Section 13. The Board of Supervisors for the several Counties shall cause the State and County taxes to be levied upon the valuation made by the County Assessors; and it is made the duty of the respective County Assessors of each County to furnish the Board of Supervisors a certified copy of the assessments made by them, of all taxable property within the County, on or before the first Monday of August annually, for which they shall receive such compensation as the Board may deem just.

Mr. McFarland called for a division of the question.

The Chair (Mr. Colby) decided that the motion to strike out and insert, was not divisible; the question on a motion to strike out the section having just been taken.

The question was then taken on the motion to strike out.

Decided in the affirmative.

Mr. Leake moved a call of the Senate.

Lost.

The question was then taken on the substitute.

Adopted.

Mr. Keene moved that the amendments to the bill be ordered engrossed.

Agreed to.

The bill was read a third time and passed.

On motion of Mr. McGarry, the Senate adjourned.

SAMUEL PURDY,

President of Senate.

WM. A. CORNWALL,

Secretary of Senate.

## IN SENATE.

SATURDAY, March 10, 1855.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Scott.

The Journal of yesterday was read and approved.

Mr. Hall presented the following report :

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 8, entitled an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, and have directed me to report the same back, with amendments, recommending its passage as amended.

G. D. HALL,  
Of Committee.

Laid upon the table.

Mr. Hall presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 109, entitled an Act authorizing the Governor of this State to transmit to the Secretary of War at Washington City, a statement in relation to the War Debt of California, and have directed me to report the same back, without amendments, recommending that the same be passed.

G. D. HALL,  
Of Committee.

Laid upon the table.

Mr. Hall presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 40, entitled an Act to amend an Act entitled an Act amendatory and supplementary to the Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854, and have directed me to report the same back, without amendments, recommending the passage of the same.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. McNeil presented the following report:

*Mr. President :*

The Committee on Public Morals and Police, to whom was referred Senate bill No. 100, An Act to prohibit Public Gambling; and, also, Senate bill No. 102, a bill for an Act entitled an Act to prohibit Gambling, report that they have had the two bills under consideration, and have adopted Senate bill No. 100, with sundry amendments, and respectfully recommend its passage as amended.

A. McNEIL,  
Chairman.

Laid upon the table.

Mr. Lippincott presented the following report:

*Mr. President:*

The Committee on Printing, to whom was referred the Report of the State Geologist, beg leave to report that they have examined the same, and recommend the printing of two thousand copies of the same.

C. E. LIPPINCOTT,  
Chairman.

Mr. McFarland moved that the Senate concur with the Committee in their report.

Mr. Tuttle submitted the following amendment:

Insert at the end of the report the words "for the use of the Senate."

Adopted.

Mr. Crenshaw moved to add the following words:

"Exclusive of plates."

Agreed to.

Mr. Tuttle moved to strike out from the report the words "two thousand," and insert, in lieu thereof, the words "four thousand."

Lost.

The report of the Committee, as amended, was adopted.

Mr. Leake presented the following report:

*Mr. President :*

The Select Committee, to whom was referred the petition of Julius C. Tower, report a bill for his relief and recommend its passage.

CHAS. A. LEAKE.

Senate bill No. 110, entitled an Act for the Relief of Julius C. Tower.  
Read a first and second time and laid upon the table.

Mr. Leake, from the Select Committee appointed to examine and report on the condition of the papers and vouchers on which military claims have been audited and paid, to whom was referred the pay roll of the San Francisco Rangers, reported the same back with a recommendation that it be referred to the Committee on Indian Affairs; and asked that the said Select Committee be discharged.

The report was adopted and the Committee were discharged.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, March 3, 1855, Assembly bill No. 176, An Act to amend an Act entitled an Act concerning the Office of State Treasurer, passed January 24, 1850.

Also, on March 6, Assembly bill No. 196, An Act giving certain powers to the County of Placer.

Also, Assembly bill No. 137, An Act for the Relief of persons therein named, passed this day.

And Assembly Concurrent Resolution relative to the payment of Pensions.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

March 9, 1855.

Assembly bill No. 196, entitled an Act giving certain powers to the County of Placer.

Read a first and second time and referred to the Delegation from Placer County.

Assembly bill No. 137, entitled an Act for the Relief of persons therein named.

Read a first and second time.

Mr. French moved that the Senate consider the bill now.

Agreed to.

Mr. Mandeville submitted the following amendment:

Strike out the sums appropriated to the persons severally named in the bill, and insert, in lieu thereof, sums ten per cent. less.

Mr. French moved that the bill be read a third time.

Lost.

Mr. Crenshaw moved that the bill be referred to the Committee on Public Expenditures.

Agreed to.

Assembly bill No. 176, entitled an Act to amend an Act entitled an Act concerning the Office of State Treasurer, passed January 24, 1850.

Read a first and second time and referred to the Judiciary Committee.

Assembly Concurrent Resolution relative to the payment of pensions.

Read and referred to the Committee on Military.

The following message was received from the Assembly:



*Mr. President:*

I am directed to inform the Senate that the Assembly have, this day, refused to recede from its amendment to the second section of Senate bill No. 5, a bill for an Act in relation to the Contingent Expenses of the Legislature, and have appointed a Committee of Conference on the part of the House, composed of Messrs. Wells, Douglas and Burke; and the Assembly respectfully ask that the Senate appoint a similar Committee.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

March 9, 1855.

The amendment of the Assembly to Senate bill No. 5, entitled an Act in relation to the Contingent Expenses of the Legislature, having been read.

Mr. McGarry moved that a Committee of Conference be appointed to confer with a similar Committee appointed on the part of the Assembly.

Agreed to.

Messrs. Keene, Lippincott and Hawks were appointed such Committee on the part of the Senate.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, }  
Sacramento, March 10, 1855. }

*To the Senate and Assembly of California :*

I have the honor herewith to transmit letters and petitions signed by a large number of respectable citizens of the County of Klamath, in relation to Indian murders and depredations committed in the northern part of this State.

It is proper here to state that I have been informed that the facts and circumstances detailed in the papers, herewith transmitted for your examination, have also been communicated to the distinguished officer in command of the Pacific Division of the United States Army and the Superintendent of Indian Affairs; and that an Agent has been appointed by the latter, with instructions to visit the section of the State where these outrages were committed, and with as little delay as possible, report the true condition of affairs to the officer first above named.

It is unquestionably the duty of the General Government to extend the protection required by the people residing in the northern part of the State, and now that the importance of the subject and the necessity of prompt action have been presented for the consideration of the proper officers of the National Government, it is hoped that measures will immediately be adopted by them, not only to afford to life and property protection for the present, but such as will for all time to come, put an end to Indian aggressions and secure a lasting peace.

It will be seen by reference to the letter of Capt. H. W. Judah, the officer in command of the United States troops at Weckpeck, addressed to me and herewith transmitted, that the force under his command is small, and that the additional force suggested is "absolutely necessary to the quieting of the existing disturbances on the (Klamath) River and vicinity."

In compliance with the wishes of the petitioners, and in order that you may be fully informed on the subject, and, if deemed necessary, take action in the premises, copies of the letters and petitions are herewith transmitted, and the facts detailed commended to your immediate and careful consideration.

JOHN BIGLER.

The message was read, and,

On motion of Mr. Mandeville, referred to the Committee on Indian Affairs.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on yesterday, the following Assembly bills:

No. 65, An Act to provide for taking the Second Census in 1855, and for taking the Census thereafter.

Also, No. 97, An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

Also, No. 151, An Act for the protection of Rural Cemeteries.

Also, No. 182, An Act amendatory of an Act, passed May 15, 1854, entitled an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 182, entitled an Act amendatory of an Act, passed May 15, 1854, entitled an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 151, entitled an Act for the protection of Rural Cemeteries.

Read a first and second time and referred to the Committee on Corporations.

Assembly bill No. 97, entitled an Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

Read a first and second time and referred to the Committee on Counties and County Boundaries.

Assembly bill No. 65, entitled an Act to provide for taking the Second Census in 1855, and for taking the Census thereafter.

Read a first and second time and referred to the Committee on Finance.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on the 7<sup>th</sup>

inst., a bill for an Act to Fund the Indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 30th day of June, A. D., 1853, and the first day of July, A. D., 1855.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 224, entitled an Act to Fund the Indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of the State between the thirteenth day of June, A. D. 1853, and the first day of July, A. D., 1855.

Read a first and second time, referred to the Committee on Finance, and the usual number of copies ordered printed.

Leave being granted, Mr. McCoun introduced a bill entitled an Act to authorize the Funding Commissioners of Contra Costa County to audit certain Claims against the County.

Read a first and second time, and,

On motion of Mr. McCoun, the rules were suspended and the bill was read a third time and passed.

Mr. Crenshaw presented the accounts of J. B. Wing and W. H. Williamson for services as Sergeants-at-Arms to the Committee on Hospitals and the Committee on State Prison.

Referred to the Committee on Claims.

Leave being granted, Mr. Hall introduced a bill entitled an Act authorize tenants in common and joint tenants to sue jointly in certain cases.

Read a first and second time and referred to the Judiciary Committee:

Mr. Hawks submitted the following report:

*Mr. President:*

The undersigned, members of the Delegation from San Francisco County, in obedience to a call of the Senate for a report on Assembly bill to Fund the Floating Debt of San Francisco, have to state that they are unable to act upon the same, for the reason that the bill is in the possession of the Hon. Mr. Flint, who refuses to allow the same to be seen by the Committee, offering only a copy, the correctness of which we cannot know.

The undersigned further report that the Hon. Senator referred to, as they believe, carried the bill to the City of San Francisco, although requested by them to the contrary.

Wherefore, we ask that Mr. Flint may be instructed to report the bill back to the Senate forthwith, that it may be placed by that body before the Committee.

W. W. HAWKS,  
E. J. MOORE.

On motion of Mr. Mandeville, laid upon the table.

Mr. Mahoney submitted the following report:

*Mr. President :*

In compliance with the call of the Senate on the San Francisco Delegation to report Assembly bill to Fund the Floating Debt of said City, as one of that Delegation I would state that I am informed Senator Flint has the bill in his possession, and is now absent at the Bay. The undersigned considers the bill referred to of vital consequence to the tax-paying citizens. He desires to have time and ample opportunity to fully investigate the principles of the bill before he can be prepared to act upon it.

Respectfully,

D. MAHONEY.

Laid upon the table.

Mr. Hall submitted the following resolution:

*Resolved*, That the Senator from the County of San Francisco, Mr. Flint, be required, forthwith, to report to the Senate the Assembly bill to provide for the Funding of the Floating Debt of the City of San Francisco, and to give to the Senate satisfactory reasons for the detention of the same.

On motion of Mr. Mandeville, laid upon the table.

Mr. Whiting moved that the Senate consider Senate bill No. 59, entitled an Act to provide for certifying and removing certain Cases from the Courts of this State to the United States Circuit Courts, and to remove, by Writ of Error, certain Cases from the Supreme Court of this State to the Supreme Court of the United States.

Agreed to.

On motion of Mr. Whiting, the amendments reported by the Judiciary Committee to the bill were concurred in.

Mr. Leake moved that the bill be made a special order for Thursday next.

Lost.

Mr. Heintzelman moved that the bill be made a special order for Tuesday next, at 12 o'clock M.

Agreed to.

Mr. Hall gave notice that, on Monday next, he will introduce a bill for an Act to provide for the disposal of the Swamp and Overflowed Lands granted to the State of California by the Act of Congress, approved September 28, 1850, entitled an Act to enable the State of Arkansas and other States, to reclaim Swamp Lands within their limits, and to protect actual settlers upon said lands.

The special order of the day, Senate bill No. 91, entitled an Act for the better observance of the Sabbath, having been read,

Mr. Tuttle moved that the Senate re-consider the vote taken yesterday on the motion that Senate bill No. 91, be adopted as a substitute for Assembly bill No. 107, entitled an Act to prohibit Barbarous and Noisy Amusements on the Christian Sabbath.

Agreed to.

Mr. Tuttle moved that Assembly bill No. 107 be adopted as a substitute for Senate bill No. 91.

Agreed to.

Mr. Mahoney moved to add at the end of the second section the following proviso:



*Provided*, that nothing in the second section contained shall apply to the County of San Francisco.

Lost.

Mr. Mahoney moved to strike out from the second section the word "horse-race."

Lost.

Mr. Tuttle moved the previous question, which was "Shall the bill be read a third time?"

The call for the previous question was not sustained.

Mr. McFarland moved that the bill lie upon the table.

Upon which Messrs Gove, Heintzelman and Tuttle demanded the ayes and noes with the following result:

AYES.

Messrs. French, Keene, Lippincott, Mandeville, McFarland, McGarry, Norman and Rust—8.

NOES.

Messrs. Colby, Crenshaw, Day, Gove, Hall, Hawthorne, Heintzelman, Hook, McNeil, Scellen, Sprague, Tuttle and Whiting—13.

Mr. French moved that the bill lie upon the table and be made a special order for Tuesday next.

Mr. Lippincott moved to strike out "Tuesday," and insert "Wednesday." Amendment accepted.

Upon which Messrs. Tuttle, Heintzelman and Day demanded the ayes and noes with the following result:

AYES.

Messrs. French, Hall, Keene, Lippincott, Mandeville, McFarland, McGarry, Norman, Rust and Sprague—10.

NOES.

Messrs. Colby, Crenshaw, Day, Gove, Hawthorne, Heintzelman, Hook, McNeil, Scellen, Tuttle and Whiting—11.

Mr. McFarland moved that the bill lie upon the table and be made a special order for Monday next.

Upon which Messrs. Tuttle, Heintzelman and Day demanded the ayes and noes with the following result:

AYES.

Messrs. French, Hall, Keene, Lippincott, Mandeville, McFarland, McGarry, Norman and Rust—9.

NOES.

Messrs. Colby, Crenshaw, Day, Gove, Hawthorne, Heintzelman, Hook, McCoun, McNeil, Scellen, Sprague, Tuttle and Whiting—13.

Mr. Rust moved that the bill lie upon the table and be made a special order for Thursday next.

Lost.

Mr. Norman moved that the bill be indefinitely postponed.

Lost.

The bill was read a third time.

The question being, " Shall the bill pass ? "

Messrs. Tuttle, Crenshaw and Heintzelman demanded the ayes and noes with the following result:

AYES.

Messrs. Colby, Crenshaw, Day, French, Gove, Hawthorne, Heintzelman, Hook, Keene, Mandeville, McCoun, McGarry, McNeil, Sprague, Tuttle and Whiting—16.

NOES.

None.

No quorum voting, but a quorum being present, the President *pro tem.* decided that the bill was passed.

Mr. Day gave notice that he will, on Monday, or at an early day thereafter, introduce a bill to provide for the payment of the outstanding Indebtedness of the County of Santa Clara.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, this day, Senate bill No. 111, An Act to authorize the Funding Commissioners of Contra Costa County to audit certain Claims against the County.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Norman presented the following report:

*Mr. President :*

The Committee on Enrollment have examined and found correctly enrolled, an Act to authorize the Funding Commissioners of Contra Costa County to audit certain Claims against the County.

W. B. NORMAN,  
Chairman.

On motion of Mr. Hook, Senate bill No. 109, entitled an Act authorizing the Governor of this State to transmit to the Secretary of War at Washington City a statement in relation to the War Debt of California.

Read a third time, by sections, and passed.

Mr. Keene moved that the Senate proceed to consider Assembly bill No. 132, entitled an Act concerning the Offices of Controller and Treasurer of State.

Lost.

Mr. McCoun asked leave of absence for Mr. Kendall.

Granted.

Mr. Mandeville asked leave of absence for Mr. Burton.

Granted.

On motion of Mr. Mandeville, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

WM. A. CORNWALL,

Secretary.

## IN SENATE.

MONDAY, March 12, 1855.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of Saturday was read.

On motion of Mr. Mandeville, the Journal was amended by substituting the name of Mr. Burton for name of Mr. Peck, in the following sentence:

"Mr. Mandeville asked leave of absence for Mr. Peck.

Granted."

The Journal, as amended, was approved.

Mr. Mandeville asked leave of absence for Mr. Burton for two days.

Granted.

Mr. McGarry asked leave of absence for Mr. May for three days.

Granted.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed,

An Act authorizing the Governor of this State to transmit to the Secretary of War at Washington City a statement in relation to the War Debt of California.

G. W. COLBY,  
Chairman.

Mr. Tuttle submitted the following report:

*Mr. President :*

I am instructed by the Committee on Finance to report back to the Senate Assembly bill No. 224, entitled an Act to Fund the Indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 30th day of June, A. D., 1853, and the first day of July, A. D., 1855, and to recommend its passage.

Respectfully, etc.

CHAS. A. TUTTLE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 58, entitled an Act concerning Ejectments, and have directed me to report the same back, with amendments, for the consideration of the Senate.

R. T. SPRAGUE,  
Chairman.

Laid on the table.

Mr. Heintzelman moved that the bill be referred to the Committee of the Whole, and made a special order for Friday next, 16th inst., and that the usual number of copies be ordered printed.

Mr. Mandeville called for a division of the question, which, having been ordered.

The question was taken on the motion to make the bill a special order of the day for Friday.

Agreed to.

Mr. Day moved that the amendments to bill reported by the Judiciary Committee be ordered printed.

Lost.

The question was then taken on the motion to print the usual number of copies of the bill with the amendment.

Lost.

Mr. Mandeville moved that the bill be re-committed to the Judiciary Committee.

Agreed to.



Mr. French presented the following report:

*Mr. President :*

The Committee on Public Expenditures, to whom was referred Assembly bill No. 137, report the same back and recommend its passage.

A. FRENCH,  
Chairman.

Mr. Hawthorne presented the following report:

*Mr. President:*

The Committee to whom was referred Assembly bill No. 196, report the same back, with amendments, and recommend its passage.

J. C. HAWTHORNE.

Laid upon the table.

Mr. Norman presented the following report:

*Mr. President:*

The Committee on Enrollment have presented to the Governor, for his signature, the following Act:

An Act to authorize the Funding Commissioners of Contra Costa County to audit certain claims against the County.

W. B. NORMAN,  
Chairman.

Mr. French moved that the Senate consider Assembly bill No. 137, entitled an Act for the relief of persons therein named.

Agreed to.

Mr. Day moved that the bill lie upon the table and be made a special order for Wednesday next, 14th inst.

Agreed to.

According to previous notice, Mr. Hall introduced a bill entitled an Act to provide for the disposal of Swamp and Overflowed Lands granted to the State of California by the Act of Congress, approved September 28, 1850.

Read a first and second time, referred to the Committee on Public Lands and the usual number of copies ordered printed.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, }  
Sacramento, March 9, 1855. }

*To the Senate of California :*

I have this day approved the following named Act which originated in the Senate, viz:

An Act to provide for the erection of a County Jail and certain Bridges in the County of Sonoma.

JOHN BIGLER.

The following message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, March 9, 1855. }

*To the Hon. the Senate of the State of California :*

I have this day approved an Act which originated in the Senate, entitled an Act to Re-Incorporate the City of Sonora.

In explanation it is proper to state that although in the third section certain persons are appointed and designated by name to officiate as Trustees for said City, for one year from the passage of the Act approved, yet I am assured by one of the Senators from the County of Tuolumne, that the said Trustees were duly elected by the people of said City, and recommended to be incorporated in the Act so as to avoid the necessity of another special election.

The citizens of the City of Sonora having, as above stated, elected the persons named in the third section as Trustees, an inseparable objection is thereby obviated, which would have existed if these officers had been appointed in the Act without having first been elected by the people immediately interested.

JOHN BIGLER.

The President *pro tem.* laid before the Senate the following communication from the Quartermaster General of the State of California:

*To the Senate and Assembly of California:*

The undersigned, on behalf of the Volunteer Militia of California, begs leave to submit the following communication calling your attention to the importance of a change in the present militia laws of this State, and hopes the subject treated will receive that notice at your hands which its consequence demands.

It is well known that the militia laws of California do not require any but volunteer troops to bear arms or perform any active duty in time of peace. That the spirit of the Constitution of the United States and the legislation of the several States has always recognized the militia of the country as the right arm of our national defense; that our people have always regarded large standing armies with jealousy and distrust, reposing confidence in the efficiency of the few; and that while only a small volunteer force is permitted by the policy of our Government to be retained in organization, destined as a nucleus around which the patriots of the country may with confidence rally in time of war, invasion or insurrection, yet the authorities of California have failed to extend to this branch of the public service that encouragement and support which its imperative needs require

The vitalities of the militia of the country is vested in the organized, uniformed, equipped and disciplined companies of citizen soldiers scattered through the land. To them the country looks for prompt and effective resistance to unexpected invasion, for the officers who, by their familiarity with military duties are qualified to organize and discipline the troops which may be summoned to defend and uphold the banner of our country in times of danger, to suppress

mobs and riots, to maintain inviolate the majesty of our civil laws, and to keep alive a military spirit so essential to the welfare of our common country.

Let adequate aid be given to the military companies within our limits, and the good effects will soon be manifest, not only in the numerous and effective corps which would be speedily organized, but in the prompt and efficient support which would thus be afforded to the administration of civil law.

The State of California has now within her limits, twenty-four volunteer companies, numbering an aggregate rank and file of sixteen hundred men. Most of these companies are duly organized, armed, equipped and ready for immediate service.

The expenses incident to these organizations are large and onerous. Besides the value of time expended in drill, practice, parades and company mustering, they have each considerable sums for rent and keeping in order of rooms necessary for the preservation of arms and accoutrements and for company drill. These expenses should be borne by the citizens of the State entitled to do military duty; and I most respectfully suggest the propriety of imposing a per capita tax of say twenty-five or fifty cents upon each of our citizens entitled to do military duty, the same to be appropriated for the benefit of our volunteer troops. Any legislative action calculated to meet these necessities, will be regarded by them as a guarantee that their sacrifices and efforts for the general welfare are at length understood and appreciated, and at the same time furnish an additional incentive to renewed energy and zeal in perfecting their organizations and fitting themselves for a higher sphere of usefulness.

No one who has duly investigated this subject as connected with our State and national welfare, will for a moment doubt the policy of extending immediate support to our volunteer companies.

When we consider the isolated and defenceless condition of California, situated as she is on the extreme outpost of the Republic, having a sea-coast equal in extent to all the States upon the Atlantic coast from South Carolina to Massachusetts inclusive; contiguous to ten powerful nations, with vast military establishments; separated from the Atlantic States by a distance of thousands of miles, and by a range of mountains the transit over which is sometimes impossible, and at all times tedious and difficult; having numerous tribes of hostile Indians upon her borders and even within her territory; with a population in whose constituent parts may be found men of every nation and tongue, many of whom have few interests in common with us save in the field of the valuable products of our soil, we are bound to believe that here, if anywhere, military companies should be supported by law.

Even at the present time our civil authorities often have need the support to be derived only from this branch of the public service. Mob riots and violent and unlawful acts are of too frequent occurrence among our heterogeneous population in different portions of the State, requiring, at times, more force than can be exerted by the civil powers, needed, to maintain order and enforce obedience to law.

Whereas the mere existence of a well organized volunteer company at or near the scene of disturbance, would do much to overawe and intimidate the rioters. In other portions of the State, our citizens are constantly exposed to the incursions and depredations of hostile Indians, who plunder them of their property, burn their habitations, drive them from their farms and destroy their, and go unpunished.

This state of things now exists in some of the remote mountain counties of this State, and our citizens are calling loudly for protection and aid from the State. They bear their proportion of the burthens of the State Government

cheerfully, and have a right to ask the State to protect them from the attacks of the lawless savage.

It is believed that if the policy herein recommended is adopted, volunteer companies will be organized in every portion of the State where their services are required, and greater security given thereby to the lives and property of our defenseless citizens without additional expense to the State.

California has now the ability to supply her troops annually with arms and munitions of war to the value of fifteen thousand dollars, this being the amount of her yearly quota from the General Government.

The question then arises, is it not our best policy, is it not due to our citizens that we make such use of our means as will afford the protection needed through the medium of our volunteer militia when it can be done at so trifling an expense to the State.

It is to be hoped that early and judicious action will be had, which will give the militia of California position to respond to the wants of our State and National Governments.

I have the honor to be,

Your obedient servant,

WM. C KIBBE,

Quartermaster and Adjutant General, California Militia.

On motion of Mr. Mandeville, the communication was referred to the Committee on Military.

Senate bill No. 224, entitled an Act to fund the Indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the thirtieth day of June, A. D., 1853, and the first day of July, A. D., 1855.

Considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported the same to the Senate and recommended its passage.

The report of the Committee of the Whole was concurred in.

Mr. McFarland submitted the following amendment:

Strike out from the fifth section the words "*provided*, this Act shall not prevent or affect the payments of warrants issued under an Act requiring the Controller to audit certain bills of the members and officers of the present Legislature, finally passed on the first of February, A. D., 1855.

Upon which Messrs. Day, McFarland and Tuttle demanded the ayes and noes with the following result:

AYES.

Messrs. Lippincott, McFarland, Norman, Tuttle and Whiting—5.

NOES.

Messrs. Colby, Crenshaw, Day, French, Hawthorne, Heintzelman, Hook Keene, Leake, Mandeville, McGarry, McNeil, Scellen and Sprague—14.

Mr. Sprague submitted the following amendment:



Add at the end of section fifth, the following words:

" Or prevent the receipt of State Controller's Warrants for State taxes and for property heretofore sold by the State according to law."

Upon which Messrs. Day, Tuttle and Sprague demanded the ayes and noes with the following result:

AYES.

Messrs. Crenshaw, Day, Lippincott, McGarry and Sprague—5.

NOES.

Messrs. Colby, French, Hawthorne, Heintzelman, Hook, Keene, Leake, Mandeville, McFarland, McNeil, Norman, Scellen, Tuttle and Whiting—14.

The bill was read a third time.

The question being " Shall the bill pass ? "

Messrs. Tuttle, Day and McFarland demanded the ayes and noes with the following result:

AYES.

Messrs. Colby, Day, Hall, Hawthorne, Heintzelman, Hook, Keene, Lippincott, Mandeville, McGarry, McNeil, Scellen and Sprague—13.

NOES.

Messrs. Crenshaw, French, Leake, McFarland, Norman, Tuttle and Whiting—7.

Mr. Colby moved that the Senate consider the report of the Committee on Public Morals and Police, to whom was referred Senate bill No. 100, entitled an Act to prohibit Public Gambling, and Senate bill No. 102, entitled an Act to prohibit Gambling.

Agreed to.

Mr. French moved that the Senate adjourn.

Upon which Messrs. Tuttle, Colby and Heintzelman demanded the ayes and noes with the following result:

AYES.

Messrs. French, Hall, Keene, Leake and Mandeville—5.

NOES.

Messrs. Colby, Crenshaw, Hawthorne, Heintzelman, Hook, Lippincott, McFarland, McNeil, Norman, Rust, Scellen, Sprague, Tuttle and Whiting—14.

Mr. Mandeville moved that the report of the Committee lie upon the table and be made a special order of the day for to-morrow, at 1 o'clock P. M.

Upon which Messrs. Tuttle, Colby and Heintzelman demanded the ayes and noes with the following result:

## AYES.

Messrs. French, Hall, Hook, Keene, Leake, Mandeville, McGarry and Scellen—8.

## NOES.

Messrs. Colby, Crenshaw, Day, Hawthorne, Heintzelman, Lippincott, McFarland, McNeil, Norman, Rust, Sprague, Tuttle and Whiting—13.

Mr. Whiting moved that the Senate consider Senate bill No. 9.

Which motion the Chair (Mr. McGarry) ruled out of order.

Mr. Mandeville moved that the Senate adjourn.

Lost.

The Senate, as in Committee of the Whole, resumed the consideration of the bills numbered respectively 100 and 102.

After some time spent therein, the Committee rose, reported bill No. 100 to the Senate and recommended its passage.

The question being then, "Shall the Senate concur with the Committee of the Whole in their report?"

Mr. Whiting moved that the Senate adjourn.

Upon which Messrs. Tuttle, Day and Heintzelman demanded the ayes and noes with the following result:

## AYES.

Messrs. Crenshaw, French, Hall, Hawthorne, Hook, Keene, Leake, Mandeville, McGarry, Norman, Rust, Scellen and Whiting—13.

## NOES.

Messrs. Colby, Day, Heintzelman, McFarland, McNeil, Sprague and Tuttle—7.

So the Senate adjourned.

SAMUEL PURDY,

President of Senate.

WM. A. CORNWALL,

Secretary of Senate.

## IN SENATE.

TUESDAY, March 13, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read, and,

On motion of Mr. Heintzelman, the same was amended by striking out the following words:

" Mr. Heintzelman moved that the bill lie upon the table."

And inserting, in lieu thereof, the following:

" Mr. Heintzelman moved that the bill be referred to the Committee of the Whole."

Mr. French presented the following report:

*Mr. President :*

The Committee on Public Expenditures, to whom was referred Senate bill No. 42, to supply a deficiency in the appropriation to provide for the Survey of a portion of the Northern Boundary of this State, report the same back and recommend its passage.

A. FRENCH,  
Chairman.

Laid upon the table.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly, on the 10th instant, passed Assembly bill No. 18, An Act to establish, support and regulate Common Schools, and to repeal former Acts concerning the same.

Also, Assembly bill No. 213, An Act to authorize the payment of the Rent of the Court House in Sacramento County.

Also, Assembly bill No. 210, An Act to amend the 21st section of an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April 14, 1853.

Also, Assembly bill No. 186, An Act to provide for the erection of a Jail in the County of San Luis Obispo.

Also, passed on the 10th inst., Senate bill No. 81, An Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Civil Expenses of Government accruing prior to the first day of February, 1855.

Also, Senate bill No. 16, a bill for an Act to repeal an Act entitled an Act

to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick in this State, with amendments.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 18, entitled an Act to establish, support and regulate Common Schools, and to repeal former Acts concerning the same.

Read a first and second time, referred to the Committee on Education, and the usual number of copies ordered printed.

Assembly bill No. 186, entitled an Act to provide for the erection of a Jail in the County of San Luis Obispo.

Read a first and second time and laid upon the table.

Assembly bill No. 210, entitled an Act to amend the Twenty-First Section of an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April 14, 1853.

Read a first and second time and laid upon the table.

Assembly bill No. 213, entitled an Act to authorize the payment of the Rent of the Court House in Sacramento County.

Read a first and second time, and laid upon the table.

The amendments of the Assembly to Senate bill No. 16, entitled an Act to repeal an Act entitled an Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick in this State, having been read,

Mr. Keene moved that the Senate concur with the Assembly in their amendments.

Agreed to.

The amendments of the Assembly to Senate bill No. 3, entitled an Act concerning the Office of Treasurer of State, having been read,

Mr. Sprague moved that the Senate concur with the Assembly in their amendments.

Agreed to.

Leave being granted, Mr. McFarland introduced a bill entitled an Act concerning the County Records of Los Angeles County.

Read a first and second time and referred to the Senator from Los Angeles.

Leave being granted, Mr. Crenshaw introduced a bill entitled an Act concerning the enrollment of Steamboats and other Vessels.

Read a first and second time and referred to the Committee on Commerce and Navigation.

Mr. Keene presented the following report:

*Mr. President:*

The Committee of Conference upon the disagreeing vote of the two Houses upon the bill for an Act in relation to the Contingent Expenses of the Legisla-



ture, have conferred together and agree to recommend to the Assembly to recede from their amendment to the second section.

B. F. KEENE,  
C. E. LIPPINCOTT,

T. WELLS,  
D. F. DOUGLAS, } Assembly.  
E. BURKE,

On motion of Mr. Sprague, the report was adopted.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly have, this day, adopted the report of the Conference Committee upon the disagreeing vote of the two Houses upon Assembly amendment to section two of Senate bill No. 5, An Act in relation to the Contingent Expenses of the Legislature.

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Peck gave notice that he will, on to-morrow, introduce a bill to amend an Act entitled an Act concerning County Judges, passed April 4, 1854.

Proposed amendments to the Constitution of the State of California, reported by Mr. Crenshaw, were read.

Mr. Rust moved that they lie upon the table and he made a special order for Tuesday next, 20th inst., at 12 M.

Upon which Messrs. Crenshaw, Sprague and Day, demanded the ayes and noes with the following result:

AYES.

Messrs. Flint, French, Gove, Hall, Keene, Mandeville, May, McConn, McFarland, Moore, Norman, Peck, Rust, Scellen and Whiting—15.

NOES.

Messrs. Crenshaw, Day, Hawthorne, Heintzelman, Hook, Leake, Lippincott, McGarry, McNeil, Sprague and Tuttle—11.

The Senate, as in Committee of the Whole, resumed the consideration of the special order of the day, Senate bill No. 59, entitled an Act to provide for certifying and removing certain Cases from the Courts of this State to the United States Circuit Courts, and to remove, by Writ of Error, certain Cases from the Supreme Court of this State to the Supreme Court of the United States.

After some time spent therein,

On motion of Mr. Keene, the Committee rose, reported the bill to the Senate and recommended its passage.

The report of the Committee of the Whole was concurred in.

Mr. Sprague moved that the bill be considered as engrossed and read a third time.

Agreed to.

The question being, "Shall the bill pass?"

Mr. Sprague moved that the Senate take a recess till half past 6 o'clock, P. M., this evening.

Mr. Leake moved that the Senate adjourn.

Lost.

The question being then taken on the motion that the Senate take a recess, it was decided in the negative.

On motion of Mr. Keene, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

WM. A. CORNWALL,

Secretary.

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## IN SENATE.

WEDNESDAY, March 14, 1855.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly concurred, on yesterday, in Senate amendments to Assembly bill No. 192, An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, with the exception of the seventh subdivision of the ninth section, which was non-concurred in.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Mr. Tuttle moved that the Senate insist upon their amendment to the seventh subdivision of section ninth of Assembly bill No. 192, entitled an Act to create

a Board of Supervisors in the Counties of this State, and to define their duties and powers.

Agreed to.

Mr. Whiting moved that a Committee of Conference be appointed on the part of the Senate upon the disagreeing vote of the two Houses.

Agreed to.

The President appointed Messrs. Whiting, Tuttle and Sprague as such Committee.

Mr. Hook presented the following report:

*Mr. President :*

The Committee on Indian Affairs, to whom was referred the special message of his Excellency, the Governor, in relation to Indian hostilities in Klamath County, have had the same under consideration and beg leave to report, that "it is unquestionably the duty of the General Government to extend protection" to the citizens residing on the frontier against the depredations of Indians; and believing that the very efficient and distinguished officer now in command of the Pacific Division of the United States Army, will cause prompt measures to be adopted for the immediate protection of the frontier, your Committee recommend that no action be taken by the Legislature to authorize the enlistment of troops, and ask to be discharged from its further consideration.

G. W. HOOK,

Chairman.

Laid upon the table.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly has this day appointed a Committee of Conference in relation to the Supervisor's bill, and that Messrs. Ryland and Kinney are appointed on the part of the House.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Mr. Norman presented the following report:

*Mr. President :*

The Committee on Enrollment have examined and find correctly enrolled the following Acts:

An Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Civil Expenses of Government accruing prior to the first day of February, 1855.

An Act granting Abraham G. Kensey the right to construct a Toll-Bridge across the American River at or near Negro Bar

W B. NORMAN,

Chairman.

Mr. Leake presented the following report:

*Mr. President:*

The Committee on Counties and County Boundaries, to whom was referred a bill to amend an Act dividing this State into Counties, etc., report the same back and recommend that it be referred to the Senators from the Tenth and Eleventh Senatorial Districts.

CHAS. A. LEAKE,  
Chairman.

On motion of Mr. McGarry, the report was adopted.

Mr. Flint presented the following report:

*Mr. President:*

Your Committee on Claims have examined the accounts of B. Wing and W. H. Williamson, and beg leave to report a bill for their relief, and recommend its passage.

WILSON FLINT.  
Chairman.

On motion of Mr. Stebbins, Senate bill No. 116, entitled an Act for the Relief of B. Wing and W. H. Williamson, was read a first time by sections.

The rules having been suspended, the bill was read a second and third time and passed.

Mr. Hook presented the following report:

*Mr. President:*

The Committee on Indian Affairs, to whom was referred the "Pay Roll of the San Francisco Rangers," have had the same under consideration and beg leave to report that the aforesaid pay roll exhibits the names of the officers and soldiers composing said company of Rangers, with the term of service, amount of per diem, outfit, rations, etc., amounting in all to the sum of \$17,868.

Your Committee can find no authority in law for the organization of any such military company; neither have they been furnished with any evidence to justify them in the belief that they have rendered any service to the State; and inasmuch as our liabilities on account of military expeditions already exceed our assets, and being convinced of the great necessity of reform in our financial affairs, we most cheerfully recommend the rejection of the claim, and asked to be discharged from its further consideration.

All of which is respectfully submitted,

G. W. HOOK,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:



*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 179, entitled an Act proposing to the Seventh Legislature an amendment to the Constitution of the State of California, and have directed me to report the same back, without amendments, recommending its indefinite postponement.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 87, entitled an Act to provide for the better regulation of Steamboats navigating the waters of this State, and have directed me to report the same back, with a substitute, recommending the passage of the substitute.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 40, entitled an Act to provide for taking the Second Census, as provided in article four, section twenty-eight, of the Constitution of the State of California, and have directed me to report the same back, without amendments, for the consideration of the Senate.

Also, Senate bill No. 55, An Act to provide for taking the Second Census, and have directed me to report the same back, without amendment, for the consideration of the Senate.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Day presented the following report:

*Mr. President:*

The Committee on Internal Improvements, to whom was referred Assembly bill No. 146, entitled an Act to authorize H. Henderson, John Dooling, R. Thompson, and such others as they may associate with them, to construct a Wagon Road from Eureka, in Nevada County, to the Truckee Meadows, east

of the Sierra Nevada Mountains, have had the same under consideration, and herewith, report it back, without amendment, and recommend its passage.

By order of the Committee,

S. DAY,  
Chairman.

Laid upon the table.

Mr. Norman presented the following report:

*Mr. President:*

The Committee on Enrollment have, this day, presented to the Governor, for his signature, the following Acts:

An Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Civil Expenses of Government accruing prior to the first day of February, 1855.

An Act granting Abraham G. Kensey the right to construct a Toll-Bridge across the American River at or near Negro Bar.

W. B. NORMAN,  
Chairman.

Mr. Mandeville presented the following report:

*Mr. President:*

The Tuolumne Delegation, to whom was referred an Act authorizing the Commissioners of the Funded Debt of the County of Tuolumne to re-issue certain Bonds to John W. Dwinelle, have had the same under consideration, and report it back to the Senate, with amendments, and recommend its passage.

J. W. MANDEVILLE,  
THOS. KENDALL.

Laid upon the table.

Mr. Kendall presented the following report:

*Mr. President:*

The Delegation from Tuolumne County, to whom was referred Assembly bill No. 180, An Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Tuolumne, ask leave to report the same back, without amendment, and recommend the passage of the same.

THOS. KENDALL,  
J. W. MANDEVILLE.

Laid upon the table.

Mr. Sprague made the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 58, entitled an Act concerning Ejectments, and have directed me to report the same back, with amendments, for the consideration of the Senate.

R. T. SPRAGUE,

Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President :*

The undersigned, members of the Select Committee to whom was referred the memorial and resolutions of the Shasta County Miner's Convention, relative to Chinese working the mines of this State, etc., after carefully considering the same, beg leave to report that, in view of the large and rapidly increasing Chinese population now congregated in our mining districts; the natural and unconquerable aversion of our native and adopted citizens to associating with or admitting this class of aliens to mingle with them upon terms of social or political equality, and the consequent hostility which the presence in large numbers of this peculiar alien race upon a common field of labor necessarily begets, justice to our own citizens and those whose privilege it is to become such, and justice to the Chinese and all other alien races who cannot become citizens, demands that prompt and efficient measures be adopted to check the further immigration to our shores of any race of people not capable, under our Constitution and laws, of becoming citizens, and as far as in our power and as speedily as practicable, rid the State of the presence of those already among us. A failure or refusal of the present Legislature to adopt some measure which will, within a limited period, exclude this class of people from our mineral districts, and effectually discourage further Asiatic immigration to our State, must eventually result in the most disastrous consequences to the immigrants themselves, and in scenes of violence and disorder discreditable alike to our State and Nation.

The main and, perhaps, only inducement which has stimulated this peculiar and exclusive people to flock to our shores, has been our gold mines, and the trifling restrictions to their freely entering this rich field of labor in common with our own citizens; and the undersigned believe that a withdrawal of this inducement will effectually rid our State of the great mass of Chinese now within our borders, and put an end to further immigration, except a few who might become domiciled in our cities for purposes of trade.

Such a measure could be adopted without seriously affecting our commercial relations with China, while an attempt to exclude them from our shores by the imposition of an onerous capitation tax, would erect a barrier with all nations from whose citizens this capitation tax was demanded.

The undersigned, therefore, without further comment, beg leave most respectfully to report a bill which they believe will accomplish the object sought by the memorialists, and ask that it receive the careful consideration and prompt action of the Senate.

R. T. SPRAGUE,

G. D. HALL

Laid upon the table.

Leave being granted, Mr. Peck introduced a bill entitled an Act to amend the second section of an Act entitled an Act concerning County Judges, passed April 4, 1854.

Read a first and second time and referred to the Judiciary Committee.

Leave being granted, Mr. Kendall introduced a bill entitled an Act to provide for the payment of State Prison Inspectors.

Read a first and second time and referred to the Committee on Claims.

Mr. Hawthorne submitted a resolution authorizing the Secretary of the Senate to employ an additional copying Clerk.

On motion of Mr. French, was laid upon the table.

Leave being granted, Mr. Lippincott introduced a bill entitled an Act to allow John J. Ellet to construct a Canal at Belmont in the County of San Francisco.

Read a first and second time and referred to the San Francisco Delegation.

Leave being granted, Mr. Colby introduced a bill entitled an Act for the Relief of Joseph P. Hoge.

Read a first and second time and referred to the Committee on Claims.

Senate bill No. 83, entitled an Act to delare the tenure of lands in the mining districts of this State.

Read a third time.

The question being, "Shall the bill pass?"

Messrs. Tuttle, Sprague and Peck demanded the ayes and noes, with the following result:

AYES.

Messrs. Colby, Flint, French, Gove, Hall, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, McGarry, McNeil, Norman, Rust, Sprague and Stebbins—18.

NOES.

Messrs. Day, Mandeville, May, McCoun, Peck, Scellen, Tuttle and Whiting—8.

The unfinished business coming up in its order, Mr. Mandeville moved that the same lie upon the table.

Agreed to.

Assembly bill No. 137, entitled an Act for the Relief of persons therein named.

Considered as in Committee of the Whole.

After some time spent therein, the Committee rose and reported the bill back for the consideration of the Senate.

Mr. Norman moved that the bill be referred to a Select Committee of three.

Mr. McCoun moved to amend by striking out "three" and inserting "five."

Accepted.

The motion, as amended, was adopted.

The President appointed as such Committee, Messrs. McCoun, French, Whiting, McGarry and Heintzelman.

Mr. McFarland presented the following report:



*Mr. President :*

The Select Committee, to whom was referred Senate bill No. 114, report the same back, with an amendment to section second, and recommend the adoption of the amendment and the passage of the bill.

J. P. McFARLAND.

Senate bill No. 114, entitled an Act concerning the County Records of Los Angeles County.

Read, and,

On motion of Mr. McFarland, the amendment reported thereto by the Senator from Los Angeles, was concurred in.

The bill was considered as engrossed, read a third time and passed.

Senate bill No. 59, entitled an Act certifying and removing certain Cases from the Courts of this State to the United States Circuit Courts, and to remove, by Writ of Error, certain Cases from the Supreme Court of this State to the Supreme Court of the United States.

Read by its title.

The question being, "Shall the bill pass?"

Mr. Leake moved a call of the Senate.

Agreed to.

The roll was called and the following Senators were absent without leave:

Messrs. French, Hawks, May and Stebbins.

On motion Messrs. Hawks and May were excused.

The Sergeant-at-Arms was dispatched after the absentees.

After some time, he returned and reported Mr. Stebbins sick.

On motion of Mr. Leake, further proceedings under the call were suspended.

Mr. Leake moved that the bill be re-committed to the Committee on Federal Relations, with instructions to report Joint Resolutions expressive of the sense of the Senate.

Upon which Messrs. Tuttle, Crenshaw and Peck demanded the ayes and noes with the following result:

AYES.

Messrs. Crenshaw, Flint, French, Gove, Hook, Keene, Leake, McFarland, McNeil, Norman and Rust—11.

NOES.

Messrs. Colby, Day, Hall, Hawthorne, Heintzelman, Kendall, Lippincott, Mahoney, Mandeville, McCoun, McGarry, Moore, Peck, Scellen, Sprague, Tuttle and Whiting—17.

Mr. Rust moved that the bill lie upon the table and be made a special order for Tuesday next, 20th inst.

Upon which Messrs. Tuttle, Rust and Whiting demanded the ayes and noes with the following result:

AYES.

Messrs. Crenshaw, Flint, French, Hook, Kendall, Leake, Lippincott, Mandeville, McFarland, McGarry, McNeil, Norman and Rust—13.

NOES.

Messrs. Colby, Day, Gove, Hall, Hawthorne, Heintzelman, Keene, Mahoney, McCoun, Moore, Peck, Scellen, Sprague, Tuttle and Whiting—15.

Mr. Crenshaw moved that the Senate re-consider the vote taken yesterday on the motion that the bill be read a third time.

Upon which Messrs. Tuttle, Whiting and Heintzelman demanded the ayes and noes with the following result:

AYES.

Messrs. Crenshaw, Day, French, Gove, Hall, Heintzelman, Hook, Keene, Kendall, Lippincott, Mahoney, McFarland, McGarry, McNeil, Norman, Rust and Sprague—17.

NOES.

Messrs. Flint, Hawthorne, Leake, Mandeville, McConn, Moore, Peck, Scellen, Tuttle and Whiting—10.

Mr. Crenshaw moved to strike out the fourth section of the bill.

Mr. Whiting moved that the motion to strike out the fourth section, lie upon the table.

On motion of Mr. Crenshaw, the Senate adjourned.

SAMUEL PURDY,

President of Senate.

WM. A. CORNWALL,

Secretary of Senate.

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IN SENATE.

THURSDAY, March 15, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Shuck.

The Journal of yesterday was read and approved.

Mr. McGarry presented the petition of citizens of Sonoma County praying for the enactment of a law changing the boundaries of said County.

Referred to the Delegation from the Tenth and Eleventh Senatorial Districts.

Mr. Whiting presented the following report:

*Mr. President:*

The Committee of Conference on the part of the Senate, appointed to confer with a corresponding Committee of the Assembly relative to a certain amendment to Assembly bill No. 192, in relation to the approval of official bonds, take pleasure in reporting to the Senate that the Assembly will accede to Senate amendment upon which the Senate insisted.

B. C. WHITING,

Chairman.

Adopted.

Mr. McGarry presented the following report:

*Mr. President:*

The undersigned, to whom was referred Assembly bill No. 166, An Act authorizing the Board of Supervisors of Napa County to levy a tax for certain purposes, has had the same under consideration, reports it back, and recommends the adoption of an additional section, and the passage of the bill.

EDW. MCGARRY.

Chairman.

Laid upon the table.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly passed, on the 10th inst., An Act amendatory of and supplementary to an Act entitled an Act concerning Escheated Estates, passed May 4, 1852.

Also, passed on the 8th inst., Assembly bill No. 217, An Act amendatory of an Act concerning County Records, passed March 26, 1851.

Also, passed on the 10th inst., An Act concerning Attachments when the People of the State are Plaintiffs

Also, passed on the 13th inst., Assembly bills No. 187, An Act amendatory of an Act passed March 23, 1850, entitled an Act to regulate Elections.

Also, Assembly bill No. 204, An Act to change the time of holding the different Courts authorized to be held by the County Judge in the County of Yolo.

Also, Assembly bill No. 209, An Act supplementary to an Act defining the time for commencing Civil Actions in certain Cases, passed May 4, 1852.

Also, passed Assembly Concurrent Resolution in relation to appointing a

Committee to examine Mr. Olds' Library; and Messrs. Gober, Edwards and Farwell the Committee on the part of the House.

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 204, entitled an Act to change the time of holding the different Courts authorized to be held by the County Judge in the County of Yolo.

Read a first and second time and referred to the Senator from the Yolo District.

Assembly bill No. 217, entitled an Act amendatory of an Act concerning County Recorders, passed March 26, 1851.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 226, entitled an Act concerning Attachments when the People of the State are Plaintiffs.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 187, entitled an Act amendatory of an Act, passed March 23, 1850, entitled an Act to regulate Elections.

Read a first and second time and referred to the Committee on Elections.

Assembly bill No. 209, entitled an Act supplementary to an Act defining the time for commencing Civil Actions in certain Cases, passed May 4, 1852.

Read a first and second time and referred to the Committee on the Judiciary.

The following amendments made by the Assembly to Senate bill No. 39, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Escheated Estates, passed May 4, 1852, were read :

In the second line, fifth section, after the word "General," insert the words "or District Attorney."

The question being, "Shall the Senate concur with the Assembly in their amendment?"

Decided in the affirmative.

In the fifth line, fifth section, strike out the word "five," and insert, in lieu thereof, the word "ten."

The question being, "Shall the Senate concur with the Assembly in their amendment?"

Messrs. Flint, Mandeville and Peck demanded the ayes and noes with the following result:

AYES.

Messrs. Colby, Gove, Hawks, Hawthorne, Lipplincott, McGarry, Sprague, Stebbins and Tuttle—9.

NOES.

Messrs. Burton, Crenshaw, Day, Flint, French, Heintzelman, Hook, Keene, Mandeville, May, McCoun, McFarland, McNeil, Norman, Peck, Rust and Whiting—17.



Strike out the eighth, ninth, tenth and eleventh lines of the fifth section.

The question being, "Shall the Senate concur with the Assembly in their amendment?"

Decided in the negative.

Amend by inserting an additional section between section seven and section eight, to numbered section eight, and by numbering the eighth section of the bill of section nine.

The question being, "Shall the Senate concur with the Assembly in their amendment?"

Mr. Creusshaw moved that the bill be referred to the Judiciary Committee.

Agreed to.

Assembly Concurrent Resolution directing the appointment of a Joint Committee of three from the House and two from the Senate to examine the Library of Mr. Olds in San Francisco, and report as to the propriety of purchasing the same for the use of this State.

Read and concurred in.

The President appointed Messrs. Kendall and Hawthorne as such Committee on the part of the Senate.

The following message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, March 14, 1855. }

*To the Senate of California:*

I have this day approved an Act entitled an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Civil Expenses of Government accruing prior to the first day of February, 1855.

JOHN BIGLER.

Mr. McGarry presented the account of Parker H. French for copies of the State Tribune newspaper furnished the Senate.

Referred to the Committee on Contingent Expenses.

Mr. Hawks moved that the Senator from San Francisco be directed to report to the Senate the original copy of Assembly bill No. 181, entitled an Act to provide for Funding the Floating Debt of the City of San Francisco, and for the extinguishment of the same.

Mr. Moore moved that the Senate consider the resolution introduced by Mr. Hall on the 10th inst., requiring the Senator from San Francisco to report the said bill forthwith, and to give to the Senate satisfactory reasons for the detention of the same.

Agreed to.

The resolution having been read,

Mr. Hawthorne moved to strike out from the same the word "forthwith," and insert, in lieu thereof, the words "on Tuesday next."

Mr. May moved that the resolution lie upon the table.

Upon which Messrs. Moore, Hawks and Norman demanded the ayes and noes with the following result:

## AYES.

Messrs. Crenshaw, Flint, French, Kendall, Leake, Mandeville, May, McCoun, McFarland, McGarry, Peck, Rust, Scellen and Stebbins—14.

## NOES.

Messrs. Burton, Colby, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Lippincott, McNeil, Moore, Norman, Sprague, Tuttle and Whiting—16.

Mr. Mandeville moved that the resolution be postponed till to-morrow.

Agreed to.

Leave being granted, Mr. McFarland introduced a bill entitled an Act to amend the first section of an Act entitled an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854.

Read a first and second time, referred to the Committee on Finance, and the usual number of copies ordered printed.

Mr. Hall presented the account of Wm. Biven for copies of the Stockton Daily Evening Post newspaper furnished the Senate.

Referred to the Committee on Claims.

Mr. May presented the following report:

*Mr. President :*

The Committee on Military Affairs, to whom was referred resolutions relative to the payment of Pensioners in the State of California, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend their adoption.

W. B. MAY,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 120, An Act to amend the Second Section of an Act entitled an Act concerning County Judges, passed April 4, 1864, and have directed me to report the same back, without amendment, and recommend its passage.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Whiting presented the following report:

*Mr. President :*

The Committee on Corporations have had under consideration Senate bill No

85, entitled an Act to amend an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April 14, 1853, and recommend the passage of the bill with the following amendment, to-wit:

Strike out the words "to enact," in the second line of section first, and insert the words "so as to read."

B. C. WHITING,  
Chairman.

Laid upon the table.

Mr. Whiting presented the following report:

*Mr. President:*

The Committee on Corporations have had under consideration Assembly bill No. 151, entitled an Act for the protection of Rural Cemeteries, and recommend its passage with the following amendment:

Strike out all of section eight after the word "whatever," in the eighth line of that section.

B. C. WHITING,  
Chairman.

Laid upon the table.

Mr. Keene moved that the usual number of copies of Senate bill No. 104, entitled an Act to provide for the erection of the State House of California, be ordered printed.

Agreed to.

The Senate, on motion of Mr. Whiting, resumed the consideration of Senate bill No. 59, entitled an Act to provide for certifying and removing certain Cases from the Courts of this State to the United States Circuit Courts, and to remove, by Writ of Error, certain Cases from the Supreme Court of this State to the Supreme Court of the United States.

Mr. Whiting withdrew his motion that the motion to strike out the fourth section of the bill lie upon the table.

The question being then on the motion to strike out the fourth section of the bill.

Mr. Crenshaw withdrew the said motion, and moved to strike out the word "Judge" from the first line of the fourth section.

Mr. McFarland renewed the motion to strike out the fourth section.

The question being taken, it was decided in the negative.

Mr. McFarland submitted Joint Resolutions as a substitute to the bill.

Mr. Sprague raised a question of order, that Joint resolutions could not be offered as a substitute to a bill.

The point of order was overruled by the Chair, (Mr. McGarry).

Mr. Tuttle appealed from the decision of the Chair.

Upon which the ayes and noes were demanded by Messrs. Tuttle, Gove and Leake, with the following result:

AYES.

Messrs. Crenshaw, Keene, McFarland, McNeil, Norman, Rust and Stebbins

NOES.

Messrs. Burton, Colby, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Kendall, Leake, Lippincott, Mahoney, Mandeville, McCoun, Moore, Peck, Scellen, Sprague, Tuttle and Whiting—23.

Mr. Tuttle moved the previous question.

Sustained.

The question being, "Shall the main question now be put?"

Decided in the affirmative.

The bill was read a third time.

The question being, "Shall the bill pass?"

Messrs. Leake, Tuttle and Whiting demanded the ayes and noes, with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Lippincott, Mahoney, Mandeville, McCoun, McFarland, McGarry, Moore, Norman, Peck, Rust, Scellen, Sprague, Stebbins, Tuttle and Whiting—26.

NOES.

Messrs. Flint, French, Kendall, Leake and McNeil—5.

Mr. French asked to be excused from serving on the Select Committee to whom was referred Assembly bill No. 137, entitled an Act for the Relief of persons therein named.

Agreed to.

The special order of the day, Senate bill No. 45, An Act supplementary to an Act entitled an Act to provide for the sale of the interest of the State of California in the property within the Water Line Front of the City of San Francisco, as defined in an Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, was read by its title.

Mr. French moved that the bill lie upon the table.

Agreed to.

The special order of the day, Senate bill No. 82, entitled an Act concerning Roads and Highways, was read by its title.

Mr. Sprague moved that the bill lie upon the table.

Lost.

Mr. Sprague moved that the bill be made a special order for Thursday next.

Lost.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

After some time spent therein, the Committee rose, reported progress, and asked leave to sit again.

Granted.

Mr. Whiting moved that the bill be referred to a Committee of Conference.

Lost.



On motion of Mr. McGarry, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

WM. A. CORNWALL,

Secretary.

## IN SENATE.

FRIDAY, March 16, 1855.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Flint presented the petition of citizens of San Francisco, praying the Legislature to appoint a Joint Committee of the Senate and Assembly to examine into the amount and nature of the Floating Debt of that City; into the origin and source of its creation; into the consideration received for it; into the power and authority of the Common Council to contract it; into the general administration of municipal affairs in anywise connected with or relating to this debt; and into all frauds and fraudulent or criminal practices; into all combinations, conspiracies and collisions which led to the issue of the evidence of this debt; and, generally, into such matters connected with this pretended floating debt as the said Joint Committee may deem pertinent thereto.

Mr. Stebbins presented the following report:

*Mr. President:*

Your Committee have carefully examined and find correctly enrolled, Senate bill No. 3, for an Act concerning the office of Treasurer of State.

Also, Senate bill No. 16, for an Act to repeal an Act entitled an Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick in this State.

Also, Senate bill No. 5, for an Act in relation to the Contingent Expenses of the Legislature.

W. B. NORMAN,

Chairman.

Mr. McGarry presented the following report:

*Mr. President:*

The Committee on Contingent Expenses, to whom was referred the account of Parker H. French (\$122 40) for copies of the State Tribune furnished Senators, have had the same under consideration, find it correct, report the same back and recommend its payment.

EDWD. McGARRY,  
Chairman.

Report adopted and the account accompanying the same ordered paid.

Mr. Flint presented the following report:

*Mr. President :*

Your Committee on Claims have examined the bills of Wheeler & Morgan, and beg leave to report favorably, and recommend its passage.

WILSON FLINT,  
P. C. RUST.

Laid upon the table.

Mr. Flint presented the following report:

*Mr. President :*

Your Committee on Claims have examined the account of Lorenzo Sawyer and beg leave to report a bill for his relief, and recommend its passage.

WILSON FLINT.

Laid upon the table.

Mr. Flint presented the following report:

*Mr. President :*

The Committee on Claims have had under consideration Senate bill No. 37, appropriating seven hundred dollars for services rendered by Dr. J. P. Sharkey to the State, and report the same back, and recommend, as an amendment, that he be allowed three hundred and fifty dollars.

WILSON FLINT,  
P. C. RUST.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Senate bills Nos. 93 and 95, have united the two bills in one bill entitled an Act amendatory of an Act to regulate proceedings in Civil Cases in Courts of Justice in this State, passed April 29, 1851, and, also, amendatory of an Act en-

titled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in Civil Cases in Courts of Justice in this State, passed April 29, 1851, passed May 15, 1854, and have directed me to report the same back, with sundry amendments, recommending its passage as amended.

R. T. SPRAGUE,  
Chairman.

Mr. Tuttle moved that the substitute reported by the Judiciary Committee to Senate bills Nos. 93 and 95 be considered now.

Agreed to.

The substitute, entitled an Act amendatory of an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, and, also, amendatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, passed May 15, 1854, was read.

On motion of Mr. Tuttle, the same was adopted.

The Senate, as in Committee of the Whole, resumed the consideration of the substitute.

After some time spent therein, the Committee rose, reported the same to the Senate and recommended its passage.

The report of the Committee of the Whole was concurred in.

On motion of Mr. Sprague, the substitute was ordered to be engrossed, and the usual number of copies were ordered printed.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, a bill for an Act concerning the County Records of Los Angeles County.

G. W. COLBY,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 12, entitled an Act to create a Board of Supervisors for the County of Shasta, and to define their duties and powers, and have directed me to report the same back, without amendments, recommending that the same be indefinitely postponed.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 209, entitled an Act supplementary to an Act defining the time for commencing Civil Actions in certain Cases, passed May 4, 1852, and have directed me to report the same back, without amendments, recommending that the same be indefinitely postponed.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 98, entitled an Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April 29, 1851, and have directed me to report the same back, without amendment, recommending that the same be indefinitely postponed.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 217, entitled an Act amendatory of an Act concerning County Records, passed March 26, 1851, and have directed me to report the same back, with an amendment, recommending its passage as amended.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 226, entitled an Act concerning Attachments where the People of the State are Plaintiffs, and have directed me to report the same back, without amendments, recommending that the same be indefinitely postponed.

R. T. SPRAGUE,  
Chairman.

Laid upon the table.

Mr. Sprague presented the following report:





Mr. Heintzelman moved that the bill be made a special order of the day for Tuesday next.

Mr. Flint moved to strike out "Tuesday," and insert "one week from next Monday."

Lost.

Mr. McFarland moved to strike out "Tuesday," and insert "Wednesday."

Lost.

The question being then taken on the original motion, it was decided in the affirmative.

Mr. Rust submitted the following resolution:

*Resolved*, That the members of the Committees on State Prison and Hospitals be allowed mileage, out of the Contingent Fund of the Senate, for visiting the State Prison at Point San Quentin, and the State Marine Hospital at San Francisco, and returning therefrom.

Mr. McGarry moved to strike out from the resolution the word "Contingent," and insert, in lieu thereof, the word "General."

Lost.

The resolution was adopted.

Senate bill No. 120, entitled an Act to amend the second section of an Act entitled an Act concerning County Judges, passed April 4, 1854.

Read a third time and passed.

Mr. Crenshaw submitted the following resolution:

*Resolved*, That one thousand copies of the Act entitled an Act to create a Board of Supervisors for the Counties of this State, and define their duties and powers, be printed, and that the Secretary of State be required to distribute one to each county officer in the various counties of this State, and the balance be turned over to the Sergeant-at-Arms of the Senate for the use of the Senate.

Adopted.

Mr. Moore, from the Committee on Finance, to whom was referred Assembly bill No. 132, entitled an Act concerning the Offices of Controller and Treasurer of State, reported the same back for the consideration of the Senate.

On motion of Mr. Keene, the bill was read a third time and passed.

Assembly bill No. 146, entitled an Act to authorize H. Henderson, John Dooling, R. Thompson, and such others as they may associate with them, to construct a Wagon Road from Eureka, in Nevada County, to the Truckee Meadows east of the Sierra Nevada Mountains.

Read a third time and passed.

Senate bill No. 46, entitled an Act concerning the duties of County Treasurers.

Considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported the bill back and recommended its passage.

The report of the Committee of the Whole was concurred in.

The bill was read a third time and passed.

Mr. Flint moved that the petition of citizens of San Francisco remonstrating against the passage of a law to fund the floating debt of that City be referred to the San Francisco Delegation.

Agreed to.

Mr. Flint submitted the following resolution:

*Resolved*, (the Senate and Assembly concurring) That a Joint Committee of three from each House be appointed, with powers to proceed to San Francisco and to send for persons and papers, to examine into the condition of the municipal affairs as regards the indebtedness of said City.

Mr. Burton moved that the resolution lie upon the table.

Agreed to.

Leave being granted, Mr. Kendall introduced a bill entitled an Act to compensate Mrs. Sarah Staples, Teacher of the Pioneer School of the County of Tuolumne.

Read a first and second time and referred to the Committee on Education.

Senate bill No. 10, entitled an Act for the Relief of Wheeler & Morgan for Goods furnished the Expedition to suppress Indian hostilities in 1852.

Considered as in Committee of the Whole.

After some time spent therein, the Committee rose and reported the same back for the consideration of the Senate.

Mr. Crenshaw moved that the bill lie upon the table.

Agreed to.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on yesterday, the following bills:

Assembly bill No. 38, An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 15, 1854.

Also, Assembly bill No. 54, An Act to prohibit Lotteries, Raffles, Gift Enterprises and other schemes of a like character.

Also, Assembly bill No. 149, An Act concerning the Records in the Office of the County Recorder of San Francisco County.

Also, Assembly bill No. 246, An Act to change the name of John Clark Patt to John Patt Clark.

Also, Senate bill No. 60, An Act to suppress Houses of Ill-Fame, with amendments thereto attached.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The following amendments made by the Assembly to Senate bill No. 60, entitled an Act to suppress Houses of Ill-Fame, were read.

In the third line of section first, strike out the words "or habitually frequent."

The question being, "Shall the Senate concur with the Assembly in their amendment?"

Messrs. Sprague, Tuttle and Heintzelman demanded the ayes and nocs with the following result:

AYES.

Messrs. Colby, Day, French, Gove, Hawthorne, Heintzelman, Mandeville, McFarland, McGarry, Moore, Norman and Whiting—12.

NOES.

Messrs. Burton, Crenshaw, Flint, Hall, Hawks, Hook, Keene, May, McNeil, Rust, Scellen and Sprague—12.

In the fourth line of section third, strike out the word "frequenting."

The question being, "Shall the Senate concur with the Assembly in their amendment?"

Decided in the affirmative.

Assembly bill No. 38, entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 15, 1854.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 54, entitled an Act to prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of a like character.

Read a first and second time, and referred to the Committee on Public Morals and Police.

Assembly bill No. 246, entitled an Act to change the name of John Clark Patt to John Patt Clark.

Read a first and second time and referred to the San Francisco Delegation.

Assembly bill No. 149, entitled an Act concerning the Records in the Office of the County Recorder of San Francisco County.

Read a first and second time and referred to the San Francisco Delegation.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate, that the Assembly passed, on yesterday, Assembly bill No. 60, An Act to prevent the trespassing of Animals upon private property.

Also, Assembly bill No. 19, An Act concerning the Salaries of Officers and pay of the Members of the Legislature.

Also, that the Assembly passed Assembly Concurrent Resolution in relation to printing certain Acts therein mentioned.

Also, that the Assembly concurred in Senate Concurrent Resolution in relation to employing a Clerk to assist in the examination of the affairs of the State Marine Hospital.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 60, entitled an Act to prevent the trespassing of Animals upon private property.

Read a first and second time and referred to the Committee on Agriculture.



Assembly bill No. 19, entitled an Act concerning the Salaries of Officers and pay of the Members of the Legislature.

Read a first and second time and referred to the Judiciary Committee.

Assembly Concurrent Resolution directing the Secretary of State to print five hundred certified copies each of the Supervisor Act, the Common School Act and the Census Act; and, also, directing him to distribute such printed copies among the County Judges of their respective Counties for the use of the County Officers.

Read, and the question being, " Shall the Senate concur ? "

Mr. Day moved that the resolution lie upon the table.

Lost.

The resolution was concurred in.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly passed, on the 10th inst., Assembly bill No. 219, An Act concerning Contracts and Promises.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 219, entitled an Act concerning Contracts and Promises.  
Read a first and second time and referred to the Judiciary Committee.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly, this day, passed Assembly bill No. 264, An Act to regulate Fees in Office.

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 264, entitled an Act to regulate Fees in Office.  
Read a first and second time and referred to the Judiciary Committee.

The following message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, }  
Sacramento, March 16, 1855. }

*To the Senate and Assembly of California:*

I deem it my duty to invite your attention to a subject of great importance to the commercial interests of the State, and to urge upon you the propriety of early and favorable action in order to secure to our citizens the advantages arising from the present large and lucrative trade in the Pacific, which is now enjoyed almost exclusively by others.

It may be proper here to remark, that before the assembling of the present Legislature, I endeavored, but failed, to obtain reliable information in relation to the whaling fleet in the Pacific, with a view of suggesting in my annual message the changes necessary to be made in our own laws to secure for the city of San Francisco and the State of California, the benefits accruing from this immensely valuable branch of commerce.

The information then sought and desired was, however, received by me a few days since, and is now presented for your examination; and, it is hoped, that the facts presented will induce you to remove all unnecessary restrictions at present imposed by our own laws, and, by the passage of other liberal and wholesome enactments, invite to our shores the immensely lucrative trade which is now, principally through our own restrictions, driven into other channels.

The number of vessels engaged, the amount of capital invested by citizens of the United States in the fisheries on this coast, and the immense sums annually expended in the ports visited to obtain recruits, supplies, etc., are sufficient to merit the serious consideration of the Legislature of a great and growing commercial State, with a view of directing to its own ports an extended and valuable trade.

I therefore take much pleasure in presenting such facts and information relative to this great source of wealth and prosperity, as will, it is hoped, induce you to adopt such measures as may be regarded necessary to divert this vast fleet from the islands of the Pacific to our own commodious ports, as more convenient and safe as places of rendezvous in the spring and fall seasons of each year. The immense fleet of whalers in the north and middle Pacific are now compelled to resort, in the spring and fall seasons of each year, to other ports in the Pacific, for the purpose of procuring supplies, recruits, making repairs, re-shipping cargo, and for other purposes appertaining to an outward voyage of off from three to five years.

Heretofore these whalers have almost invariably resorted to Honolulu and other ports of the Sandwich Islands; but, as the greater portion of the whaling fleet is engaged in the extreme northern part of the Pacific ocean, and in seeking a recruiting port at the Islands must necessarily pass the very portals of our own commodious harbors, there must exist some good and substantial reasons for thus sailing three thousand miles from their whaling grounds, the scenes of their annual operations, and to which they must again return by retracing the same long and tedious track.

These reasons are believed to be founded almost entirely upon the provisions of our own laws, and should be obviated without delay by wise and proper enactments.

In order that you may fully understand the nature and effects of the restrictions imposed by our statute, and the difficulties which should be removed, it is deemed proper in the first place to explain, as briefly as possible, some of the more important of the wants and requirements of those engaged in the fisheries on the Pacific coast.

From reliable information in my possession, the following are ascertained to be the real and most important wants of whalers in the Pacific, and it will be observed that a few slight modifications of our own laws, and the enactment of some additional provisions for the protection of masters and owners of whaling vessels, will render the port of San Francisco eminently superior to any now found in the Islands of the Pacific.

First. A good market for the sale of oil and bone, or adequate means for shipping the same home.

Second. Early advices from owners and friends on the Atlantic seaboard.

Third. Money for disbursing the ship and paying off the crew, and recruiting for another season.

Fourth. Suitable accommodations, such as safe harbors, wharves, store-houses and docks for the speedy and necessary repairs of ships.

Fifth. Fresh provisions, vegetables and other usual sea stores, including ship chandlery, etc.

In regard to the first requirement, it is evident that San Francisco more fully meets it than any other port on the Pacific coast. The market for oil and bone is better there than at the Islands, and perhaps not inferior to that of the Atlantic cities. In fact, I am assured that during the year 1854, more than two hundred thousand gallons of oil were shipped from Honolulu to San Francisco, to one house alone, as affording a better market than could be found at the Islands.

It is certainly undeniable that the facilities for transshipping oil and bone to the Atlantic, South America, and other neighboring markets, are much greater at the port of San Francisco than at Honolulu or any other Pacific port.

The importance to our own merchants and ship owners of this valuable trade may be estimated from the following statements obtained from reliable sources:

During the year ending December 22, 1854, there was shipped from Honolulu alone, principally to the ports of New London and New Bedford, sixty-seven thousand one hundred and thirty-four gallons of sperm oil; one million two hundred and thirty-nine thousand four hundred and thirty-three gallons of whale oil, and seven hundred and forty-four thousand one hundred and ninety-five pounds of bone: the freight on which, at a fair average of seven cents per gallon for oil, and one cent per pound for bone, would amount to ninety-eight thousand nine hundred and one dollars and sixty-four cents, \$98,901 64.

From papers, documents and other reliable evidence on file in this office, I am enabled to state that there are now engaged in the Pacific fisheries, six hundred and fifty ships and barks, manned by fifteen thousand seamen, each of whom has a certain interest in the products and profits of the voyage. In the year 1853, two hundred and seventy-five of these vessels, manned by eight thousand seamen, visited the Sandwich Islands for repairs, supplies, etc.

The entire amount of capital invested in these vessels and operations, by citizens of the United States, is estimated at not less than twenty millions of dollars.

The average cost of each ship and outfit being about thirty-five thousand dollars; that portion which semi-annually visits the Islands, it will be seen, represents, in the aggregate, a capital of not less than nine million five hundred thousand (\$9,500,000) dollars.

The necessary semi-annual expenditures for supplies, repairs, etc., for each vessel so employed, is about five hundred dollars, amounting, in the whole, to nearly one hundred and fifty thousand, equal to three hundred thousand dollars per annum.

These facts and figures are sufficient to demonstrate the importance of efficient action on your part to secure for our own people the benefits to be derived from this extensive branch of American commerce.

As regards the second requirement, viz: early and sure advices from owners and friends in the Atlantic States, it is evident to all that San Francisco is possessed of facilities far superior to any other port on the Pacific, by reason of frequent and uninterrupted communication by steam.

As to money for the necessary expenses of the ship, it is hardly necessary to say that the bills of masters or agents could be negotiated in San Francisco on the most favorable terms, and no doubt would readily be taken by our merchants,



bankers and others, for remittance, as the best security, not even excepting government drafts.

From papers in this office I derive the additional information that, during the year 1852, drafts were drawn at the various Pacific Islands, amounting, in the aggregate, to about eight hundred and fifty thousand dollars (\$850,000); in 1853, six hundred and fifty thousand dollars (\$650,000); and in 1854, five hundred thousand dollars; amounting, in three years, to about two millions of dollars.

In comparing our large and magnificent harbors, capacious storehouses, extensive wharves, and improved docks and dock yards with those at present found at the Islands, it cannot be denied that San Francisco stands pre-eminent in all these particulars over any or all other ports on this coast. Necessary repairs can be perfected with greater facility and dispatch, and, consequently, with less delay and expense at San Francisco, than in the enervating climate of the tropics. The prices of labor and materials in the two ports, I am assured, vary but little, and that all the material supplies for the perfect equipment of a whale ship are now exported from this country to the islands, and, unless passed in bond, are subject to a duty of five per cent.

It will thus be seen, that for the reception, accommodation and outfit of the large fleet engaged in the fisheries, San Francisco is possessed of all the requisites calculated to induce those engaged in whaling operations in the Pacific to resort there for repairs, recruits and supplies. But these advantages, although certainly great, are more than overbalanced by evils and disadvantages, which must be obviated by proper legislative enactments, if you would divert this immensely valuable commerce to the ports of California.

It is deemed proper in this connection, briefly to enumerate the evils most complained of, the removal of which, I am assured by gentlemen conversant with the wishes, interests and wants of whalers, would, in a short time, attract to our own shores the commerce so much desired, and not only advance the prosperity and augment the wealth of the City of San Francisco, but lend additional impetus to the various interests of the entire State, and especially that of agriculture.

The most prominent of the objections urged by masters and agents of whale ships to entering the port of San Francisco, and making it the place of semi-annual rendezvous, is the fact that under the provisions of our pilot laws the vessel is subjected to a very heavy charge for pilotage.

Vessels engaged in the fisheries on this coast, I am credibly informed, draw from ten to twenty feet of water. The charge for pilotage, under the existing law, is \$8 per foot, and taking the average of these ships at fourteen feet draught, the cost of pilotage, in and out of the port of San Francisco, would amount to about \$224 for each visit of a whale ship.

On the other hand, the pilotage exacted at the Islands is but one dollar per foot, in and out, and will average but \$28 to the visit. It will readily be perceived from this statement, that the pilot charges allowed in our own ports are so exorbitant as to effectually prevent the visit of whale ships for repairs, supplies, etc., and, in truth, amount to a virtual exclusion from our own ports of this branch of American commerce.

It is true that under the Act of 1854, whalers are exempt from pilot charges if they enter without the services of a pilot, but are compelled to pay at the above rates in case a pilot is signalled and taken on board. But in view of the fact that entering the harbor without a pilot would probably, if not certainly, in case of accident, vitiate their policies of insurance, these vessels, it is presumed, would be unwilling to enter the harbor without a pilot. I would, therefore,



recommend that the Act of 1854, be so amended as to fix one dollar per foot as the pilotage charge for vessels engaged in the whaling business.

This reduction would not injuriously affect the present pilots, for the reason that it would greatly increase the commerce of San Francisco, and not only add to the number of vessels subject to full pilotage, but increase their receipts from whale ships now virtually excluded from the port by the present high rates of pilotage.

I am also credibly informed that the Act of May 11, 1854, which exempts whale ships from pilot charges, except when desired, has been published in pamphlet form in the City of San Francisco, but the provision exempting whalers from pilotage has been omitted. These pamphlets, with this important omission, are distributed throughout the city, and the actual provisions of the law, so far as it relates to whalers, are generally unknown, thus rendering owners and masters of whale ships visiting that port liable to imposition. I would, therefore, further recommend the publication of the law, amended as herein suggested, and that copies of the same be posted in the counting rooms of merchants in the City of San Francisco, for the better and more certain information of all interested.

Another source of annoyance and vexation to masters and owners of whaling vessels, is found in the fact that the contracts between them and seamen, entered into in the Atlantic States, are not sufficiently protected or enforced in our ports. The enforcement of these contracts and the delivery of deserters, it may be proper here to state, comes entirely within the jurisdiction of the Admiralty Courts of the General Government at San Francisco, and to remedy this evil, it will, perhaps, be necessary for you to memorialize Congress for the passage of a stringent enactment compelling the Federal Courts or United States Commissioner on this coast to enforce all legal contracts between seamen and the employers.

There are also many and loud complaints of the unwarrantable interference of a class of persons who, it is said, seek to entice sailors to desert, and enter frivolous and vexatious law suits against the masters or agents of whaling vessels. These suits almost invariably result in great injury to plaintiff or defendant, and benefit only the active agents in their institution. An efficient remedy for this evil, should without delay be provided by stringent legislative enactment.

Without further remark, the whole subject is commended to your careful examination as one eminently worthy of early and favorable consideration.

JOHN BIGLER.

Mr. Crenshaw moved that the usual number of copies of the message be ordered printed.

Mr. Mahoney moved to strike out the words "usual number of," and insert, in lieu thereof, the words "five hundred."

Agreed to.

The motion, as amended, was adopted.

Mr. Rust moved that the Senate reconsider the vote by which the Senate refused to concur with the Assembly in their first amendment to Senate bill No. 60, entitled an Act to suppress Houses of Ill-Fame.

Agreed to.

Mr. Tuttle moved that the Senate concur with the Assembly in their amendment.

Agreed to.

The Chair laid before the Senate a communication from the Secretary of

State, transmitting the account of Messrs. Hiller & Andrews for a clock furnished the Senate.

Read and referred to the Committee on Claims.

Assembly bill No. 196, entitled an Act giving certain powers to the County of Placer.

Read, and,

On motion of Mr. Keene, the same was indefinitely postponed.

Assembly bill No. 76, entitled an Act to amend an Act to provide for the Incorporation of Railroad Companies, passed April 22, 1853.

Read, and,

On motion of Mr. Whiting, the amendment reported by the Committee on Corporations was concurred in.

The bill was read a third time.

The question being, "Shall the bill pass?"

Messrs. Sprague, French and Whiting demanded the ayes and noes, with the following result:

AYES,

Messrs. Colby, Day, Flint, Gove, Hall, Heintzelman, Lippincott, McGarry, Moore, Rust and Whiting—11.

NOES.

Messrs. Burton, French, Hawthorne, Hook, Keene, Kendall, Mandeville, May, McFarland, McNeil, Norman, Seellen, Sprague, Stebbins and Tuttle—15.

Mr. Whiting gave notice that on to-morrow he will move that the Senate reconsider the vote on the final passage of the bill.

On motion of Mr. Hook, the Senate adjourned.

SAMUEL PURDY,

President of Senate.

WM. A. CORNWALL,

Secretary of Senate.

## IN SENATE.

SATURDAY, March 17, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. Tuttle presented the petition of citizens of Placer County, praying for a Prohibitory Gambling law.

Read and referred to the Committee on Public Morals and Police.

Mr. Colby presented the petition of resident Members of the Bar of Sacramento.

Read and referred to the Judiciary Committee.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, An Act to provide for certifying and removing certain Cases from the Courts of this State to the United States Circuit Courts, and to remove, by Writ of Error, certain Cases from the Supreme Court of this State to the Supreme Court of the United States.

G. W. COLBY,

Chairman.

Mr. French presented the following report:

*Mr. President:*

The Committee on Public Expenditures, to whom was referred the bill of Chambers & Co., for lamps, etc., furnished the State in December 20, 1851, beg leave to report that, from the length of time the bill has been standing, they are unable to ascertain any thing about the correctness of the bill, except from the affidavit and certificates attached thereto, and would, therefore, respectfully ask to be discharged from the further consideration of the same, by reporting a bill without any further recommendation.

A. FRENCH,

Chairman.

Laid upon the table.

Mr. Day, by order of the Committee on Translations, offered the following resolution:

*Resolved*, That the Secretary of State be requested to deliver to the Translator, H. Gomez Mauriz, the annual reports for this year, of the Controller of

State, the Superintendent of Public Instruction and the Surveyor General's report without the appendix, for the purpose of enabling him to translate the same into Spanish, and that when translated, five hundred copies of each report be printed in Spanish for the use of the Senate.

Adopted.

Mr. McNeil moved to re-consider the vote by which the Assembly bill No. 76, was rejected on the 16th inst.

Upon which the ayes and noes were demanded by Messrs. Mandeville, French and Day, with the following result:

AYES.

Messrs. Colby, Day, Flint, Gove, Hall, Hawthorne, Heintzelman, Lippincott, May, McGarry, McNeil, Moore, Rust, Scellen, Tuttle and Whiting—16.

NOES.

Messrs. Burton, French, Hook, Keene, Mandeville, McFarland, Norman and Stebbins—8.

Mr. Day, moved to re-consider the vote by which the bill passed to its third reading.

Carried.

Mr. French moved to lay the bill upon the table.

Upon which the ayes and noes were demanded by Messrs. Day, May and Tuttle, with the following result:

AYES.

Messrs. Burton, Crenshaw, French, Gove, Hook, Keene, Mandeville, McFarland, McGarry, Moore, Norman and Stebbins—12.

NOES.

Messrs. Colby, Day, Flint, Hall, Hawthorne, Heintzelman, Lippincott, Mahoney, May, McNeil, Rust, Scellen, Tuttle and Whiting—14.

So the motion to lay upon the table was lost.

Mr. Mandeville moved to refer the bill to the Committee on Internal Improvements.

Mr. McFarland moved to amend by referring to a Select Committee of five. Agreed to.

The President announced, as such Committee, Messrs. McFarland, Whiting, Day, Tuttle and Mandeville.

On motion of Mr. Day, the Committee were instructed to report the bill back to the Senate on Wednesday, 21st inst.

Mr. Crenshaw presented a minority report from the Select Committee to whom was referred the petition of the citizens of Shasta County, praying the



passage of laws prohibiting the immigration of Chinese to this State, and providing for the expulsion from the mines those who are now there.

Read, and,

On motion of Mandeville, the usual number of copies were ordered printed.

Mr. Kendall asked unanimous consent to introduce a bill for an Act to recompense B. B. Redding and Geo. Kerr & Co., for work performed for the State of California during the year 1854.

Read a first and second time and referred to the Committee on Printing.

On motion of Mr. Rust, Assembly bill No. 38, An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 15, 1854.

Taken up and made special order for Thursday next, 22d inst.

Mr. Colby moved to take up Senate bill No. 37, entitled an Act for the Relief of Dr. J. P. Sharkey.

Agreed to.

Mr. Stebbins moved to strike out the enacting clause.

Mr. Colby moved to lay the bill upon the table.

Agreed to.

On motion of Mr. Hawks, Senate bill No. 97, entitled an Act to authorize the Board of Supervisors of San Francisco County to allow and settle the claim arising out of the purchase of certain property in said County, known as the Laffan & Gillespie purchase, was taken up.

Made special order for Wednesday 22d, at 2 o'clock.

Mr. Day, according to previous notice, introduced a bill for an Act to provide for paying the outstanding indebtedness of the County of Santa Clara.

Read a first and second time and referred to the Senator from Santa Clara.

Mr. Colby gave notice that he will, on Monday next, or soon thereafter, introduce a bill for an Act to amend an Act entitled an Act to incorporate the City of Sacramento, passed March 26, 1855.

Mr. Hawks, from the San Francisco Delegation, presented the following report:

*Mr. President:*

The San Francisco Delegation, to whom was referred Senate bill No. 97, for an Act to authorize the Board of Supervisors of San Francisco County to allow and settle the claim arising out of the purchase of certain property in said County, known as the Laffan & Gillespie purchase, have had the same under consideration, and report it back to the Senate, without amendments, recommending its passage.

W. W. HAWKS.

Laid upon the table.

Mr. Hawks, from the San Francisco Delegation, presented the following report:

*Mr. President:*

The San Francisco Delegation, to whom was referred Assembly bill No. 246, for an Act to change the name of John Clark Patt to John Patt Clark, have

had the same under consideration, and report it back to the Senate, recommending its passage with amendments.

W. W. HAWKS.

Laid upon the table.

Mr. Hawks, from the San Francisco Delegation, presented the following report:

*Mr. President :*

The San Francisco Delegation, to whom was referred Assembly bill No. 149, for an Act concerning the Records in the office of County Recorder of San Francisco County, have had the same under consideration and report it back to the Senate, recommending its passage without amendment.

W. W. HAWKS.

Laid upon the table.

Mr. Hawks, from the San Francisco Delegation, presented the following report:

*Mr. President :*

The San Francisco Delegation, to whom was referred Senate bill No. 118, for an Act to Allow John J. Ellet to construct a Canal at Belmont, in the County of San Francisco, have had the same under consideration, and report it back to the Senate, recommending its passage without amendment.

W. W. HAWKS.

Mr. Heintzelman moved to take up Senate bill No. 82.

Agreed to.

The Senate then proceeded, as in Committee of the Whole, to take consideration of the same.

After some time spent therein, the Committee rose, reported the bill back, recommending the passage of the same as amended.

On motion of Mr. Mandeville, the bill was ordered engrossed for a third reading on Monday.

The following messages were received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, }  
Sacramento, March 14, 1855. }

*To the Senate of California :*

I have this day approved the following Act, viz:

An Act making appropriations to meet deficiencies in appropriations heretofore made to defray the Civil Expenses of Government accruing prior to the first day of July, 1855.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,  
Sacramento, March 16, 1855. }

*To the Senate of California :*

I have this day approved the following Acts which originated in the Senate, viz :

An Act to repeal an Act entitled an Act to provide for the establishment of a State Marine Hospital in the City of San Francisco, and to provide for the Indigent Sick in this State, passed May 19, 1853.

An Act in relation to the Contingent Expenses of the Legislature.

An Act concerning the Office of Treasurer of State.

JOHN BIGLER.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed, substitute for Senate bills Nos. 93 and 95, entitled an Act amendatory of an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851; and, also, amendatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, passed May 15, 1854.

Also, An Act to amend the Second Section of an Act entitled an Act concerning County Judges, passed April 4, 1854.

Also, An Act concerning the duties of County Treasurers.

G. W. COLBY,  
Chairman.

On motion of Mr. Mandeville, Assembly bill No. 17, was taken up and made special order for Thursday, 22d inst., at 2 o'clock.

On motion of Mr. May, the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

WM. A. CORNWALL,  
Secretary.

## IN SENATE.

MONDAY, March 19, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Pratt.

On motion of Mr. Keene, Mr. Mandeville took the chair.

The Journal of Saturday was read and approved.

Mr. McGarry presented the account of Luther Laird & Co. for subscriptions to the California Express.

Read and referred to the Committee on Contingent Expenses.

Mr. Heintzelman, from the Committee on Agriculture, presented the following report:

*Mr. President:*

Senate Committee on Agriculture, to whom was referred Assembly bill (60) entitled an Act to prevent the trespassing of Animals upon private property, respectfully report the same back to the Senate, without amendments, and respectfully recommend its passage.

H. P. HEINTZELMAN,  
Chairman.

Mr. Keene presented the memorial of A. W. Bee, praying that so much of the report of the Special Committees appointed by the Senate to examine the condition of the papers and vouchers of the Indian War Debt, as relates to an alleged deficiency existing in his settlement of \$19,060 00 be referred to a Committee for investigation, and that they have the privilege of sending for persons and papers.

Mr. French submitted the following resolution:

*Resolved*, That the memorial of A. W. Bee be referred to a Select Committee of three, and that said Committee is directed to investigate the settlement made with Maj. Bee by the Committee of the Legislature of 1852, and his final settlement with the Commissioners of the War Debt, and they are authorized to send for persons and papers.

Adopted.

The Chair (Mr. Mandeville) announced as such Committee, Messrs. French, McNeil and Scellen.

On motion of Mr. French, Assembly bill No. 209, entitled an Act supplementary to an Act defining the time for commencing Civil Actions in certain Cases, passed March 4, 1852, was taken up.



Mr. Colby moved to indefinitely postpone the further consideration of the same.

On motion of Mr. Whiting the bill was laid upon the table.

Mr. McGarry moved to take up Senate bill No. 57, entitled an Act to cede certain property to the City of Benicia.

Agreed to.

The Senate then, as in Committee of the Whole, proceeded to the consideration of the same.

After some time spent therein, rose, reported the bill back, recommending the the passage of the same as amended.

On motion of Mr. McGarry, the Senate concurred in the amendments made in Committee.

On the passage of the bill, the ayes and noes were demanded by Messrs. Day, Norman and French, with the following result:

#### AYES.

Messrs. Gove, Heintzelman, Leake, McGarry, McNeil, Scellen, Stebbins, Tuttle and Whiting—9.

#### NOES.

Messrs. Burton, Crenshaw, Day, Hook, Lippincott, Mandeville, May and Norman—8.

On motion of Mr. May, Senate bill No. 42, entitled an Act to supply a deficiency in the appropriations to provide for the Survey of a portion of the Northern Boundary of this State, was read a third time and passed.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed, An Act concerning Roads and Highways.

G. W. COLBY,

Chairman.

On motion of Mr. McNeil, Assembly No. 60, An Act to prevent the trespassing of Animals upon private property, was read a third time and passed.

Mr. Burton, from the Committee on Corporations, to whom was referred Assembly bill No. 116, An Act entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the Incorporation of Towns, passed March 27, 1850, reported the bill back, without amendment, recommending its passage.

On motion of Mr. Tuttle, Assembly bill No. 40, entitled an Act to amend an Act amendatory and supplementary to the Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed May 15, 1852, was taken up.

Read a third time and passed.

Mr. Day gave notice that he will, on to-morrow, or at an early day thereafter, introduce a bill for an Act to amend Section Forty-One of an Act to provide for the Incorporation of Railroad Companies, passed April 22, 1853.

Mr. Crenshaw asked leave of absence for Mr. Sprague for an indefinite period.

Granted.

Mr. Burton asked leave of absence for Messrs. McCoun and Peck for two days each.

Granted.

Mr. Hook asked leave of absence for Mr. Flint for one day.

Granted.

On motion of Mr. Burton, Assembly bill No. 116, An Act entitled an Act to provide for the Incorporation of Towns, passed March 27, 1850, was read a third time and passed.

On motion of Mr. Tuttle, Assembly bill No. 209, An Act supplementary to an Act defining the time for commencing Civil Actions in certain Cases, passed May, 4, 1852, was read a third time and passed.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, An Act to cede certain property to the City of Benicia.

G. W. COLBY,  
Chairman.

Mr. Leake moved that the Senate adjourn.

Lost.

Mr. French moved a call of the Senate.

Lost.

On motion of Mr. McGarry, Senate bill No. 110, entitled an Act to appropriate money for the relief of Julius C. Tower, was taken up.

Mr. Whiting moved to indefinitely postpone further consideration of the same.

Mr. Leake moved that the bill lie upon the table.

Carried.

Mr. Scellen asked unanimous consent to introduce a bill for an Act for the construction of a Toll-Bridge across the Middle Yuba River.

Granted.

The bill was read a first and second time and referred to the Committee on Roads and Highways.

Mr. Rust gave notice that on to-morrow he will move to re-consider Assembly bill No. 60, An Act to prevent the trespassing of Animals upon private property.

On motion of Mr. Leake, the Senate adjourned.

SAMUEL PURDY,  
President of Senate.

WM. A. CORNWALL,  
Secretary of Senate.

## IN SENATE.

TUESDAY, March 20, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Flint presented the remonstrance of residents and tax payers of the City of San Francisco against the passage of Johnston's substitute, bill No. 31, for bill No. 181, entitled an Act to provide for and Fund the Floating Indebtedness of the City of San Francisco.

Read and referred to the Delegation from San Francisco.

Mr. Day presented the following resolution:

*Resolved*, That the Sergeant-at-Arms be instructed to discontinue the occupancy and rent of the two Committee Rooms on the corner of J and Seventh Streets as soon as the current month's rent shall terminate.

Adopted.

Senate bill No. 82, entitled an Act concerning Roads and Highways.

Read a third time and passed.

Senate bill No. 127, entitled an Act amendatory of an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851; and, also, amendatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, passed May 15, 1854.

Read a third time and passed.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, An Act concerning Roads and Highways.

G. W. COLBY,  
Chairman.

Senate bill No. 100, entitled an Act to prohibit Public Gambling.

Read by its title.

The question being, "Shall the bill be read a third time?"

Mr. Hall moved a call of the Senate.

Upon which Messrs. Tuttle, Hall and French demanded the ayes and noes, with the following result:

AYES.

Messrs. Crenshaw, Flint, French, Hall, Hawks, Heintzelman, Lippincott, May, McCoun, McGarry, Peck and Rust—12.

NOES.!

Messrs. Burton, Colby, Gove, Hook, Mandeville, McNeil. Scellen, Stebbins and Tuttle—9.

The roll was called and the following Senators were absent without leave:

Messrs. Hawthorne, Kendall, Leake, Mahoney, McFarland and Norman.

Leave of absence was granted to Mr. Hawthorne.

On motion of Mr. Mandeville, further proceedings under the call were dispensed with.

Mr. McCoun submitted a substitute to Senate bill No. 100, entitled an Act to prohibit Public Gambling.

Which having been read,

Mr. McCoun moved that the bill and substitute be referred to a Select Committee of five.

Mr. Mandeville moved the previous question.

Sustained.

The question recurred, "Shall the main question now be put?"

Decided in the affirmative.

The question being then on the motion to refer the bill and substitute to a Select Committee of five.

Messrs. Mandeville, Tuttle and Burton demanded the ayes and noes with the following result:

AYES.

Messrs. Crenshaw, Flint, French, Hall, Keene, Mahoney, May, McCoun, Moore, Norman, Peck, Rust and Scellen—13.

NOES.

Messrs. Burton, Colby, Day, Gove, Hawks, Heintzelman, Hook, Lippincott, Mandeville, McGarry, McNeil, Tuttle and Whiting—13.

So the motion to refer the bill to a Select Committee was lost.

The special order of the day, proposed amendments to the Constitution of the State of California, came up in their order.

The question was taken separately upon each amendment, as follows:

Proposed amendments to the Constitution of the State of California.

The Legislature of the State of California, at its sixth session, commenced on the first day of January, A. D., 1855, propose as amendments to the present Constitution of this State the following:



Amendment 1. Section two of article four, is amended so as to read as follows:

Section 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of January next ensuing the election of its members, unless the Governor of the State shall in interim convene the Legislature by proclamation.

Amendment 2. Section three of article four, is amended so as to read as follows:

Section 3. The members of the Assembly shall be chosen by the qualified electors of their respective districts on the first Wednesday of September, one thousand eight hundred and fifty-seven, unless otherwise ordered by the Legislature, and biennially thereafter; and their term of office shall be two years.

Amendment 3. Section five of article four, is amended so as to read as follows:

Section 5. Senators shall be chosen for the term of four years, at the same time and place as members of the Assembly, and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State two years, and of the county or district for which he shall be chosen one year next preceding his election.

Amendment 4. Section six of article four, is amended so as to read as follows:

Section 6. The number of Senators shall not be less than one-third nor more than one half of that of members of the Assembly; and at the first session of the Legislature, after this amendment takes effect, Senators shall be divided by lot, as equally as may be, into two classes; the seats of the Senators of the first class shall be vacated at the expiration of two years, so that one half, as nearly as may be, shall be chosen biennially.

Amendment 5. Section two of article ten, is amended so as to read as follows:

Section 2. And if at any time two-thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors at the next election for members of the Legislature to vote for or against a Convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a Convention, the Legislature shall, at its next session, provide by law for calling a Convention to be holden within six months after the passage of such law; and such Convention shall consist of a number of members not less than that of both branches of the Legislature. The Constitution that may have been agreed upon and adopted by such Convention, shall be submitted to the people at a special election to be provided for by law for their ratification or rejection. Each voter shall express his opinion by depositing in the ballot box a ticket whereon shall be written or printed the words "for the new Constitution," or "against the new Constitution." The returns of such election shall, in such manner as the Convention shall direct, be certified to the Executive of this State, who shall call to his assistance the Controller, Treasurer and Secretary of State, and com-

pare the votes so certified to him. If, by such examination, it be ascertained that a majority of the whole number of votes cast at such election be in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California.

Upon the first proposed amendment the question was taken by ayes and noes with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, Hawks, Heintzelman, Hook, Lippincott, Mahoney, Mandeville, McCoun, McGarry, McNeil, Moore, Norman, Peck and Whiting—17.

NOES.

Messrs. Flint, French, Gove, Hall, Keene, May, Stebbins and Tuttle—8.

Upon the second proposed amendment the question was taken by ayes and noes with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, Gove, Hawks, Heintzelman, Hook, Lippincott, Mahoney, Mandeville, McCoun, McGarry, McNeil, Moore, Norman, Peck, Rust and Whiting—19.

NOES.

Messrs. Flint, Hall, Keene, May, Stebbins and Tuttle—6.

Upon the third proposed amendment the question was taken by ayes and noes with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, Gove, Hawks, Heintzelman, Hook, Lippincott, Mahoney, Mandeville, McCoun, McGarry, McNeil, Moore, Norman, Peck, Rust and Whiting—19.

NOES.

Messrs. Flint, Keene, May, Stebbins and Tuttle—5.

Upon the fourth proposed amendment the question was taken by ayes and noes with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, Gove, Hawks, Heintzelman, Hook, Lippincott, Mahoney, Mandeville, McCoun, McGarry, McNeil, Moore, Norman, Peck, Rust and Whiting—19.

## NOES.

Messrs. Flint, Hall, Keene, May, Stebbins and Tuttle—6.

Upon the fifth proposed amendment the question was taken by ayes and noes with the following result:

## AYES.

✱ Messrs. Crenshaw, Heintzelman, Leake, McCoun, Norman, Rust and Whiting—7.

## NOES.

Messrs. Burton, Day, Flint, Hall, Hawks, Hook, Keene, Mandeville, May, McGarry, McNeil, Moore, Peck, Scellen, Stebbins and Tuttle—16.

Upon the sixth proposed amendment the question was taken by ayes and noes with the following result:

## AYES.

Messrs. Burton, Crenshaw, Day, Gove, Hall, Hawks, Heintzelman, Hook, Keene, Leake, Lippincott, Mandeville, May, McGarry, McNeil, Moore, Norman, Peck, Rust, Scellen, Stebbins, Tuttle and Whiting—24.

## NOES.

Mr. Flint—1.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed An Act to supply a deficiency in the appropriation to provide for the Survey of a portion of the Northern Boundary of this State.

G. W. COLBY,  
Chairman.

Mr. Tuttle moved that the Senate consider the special order of the day, Senate bill No. 58, entitled an Act concerning Ejectments.

Mr. Whiting moved that the bill lie upon the table, and that the Senate proceed to consider Senate bill No. 9, entitled an Act to encourage the construction of a Railroad and Telegraph Line from the Bay of San Francisco to the Eastern Line of this State, with branches thereto.

Lost.

Mr. Peck moved that Senate bill No. 58 lie upon the table and be made a special order for Tuesday next, 27th inst.

Upon which Messrs. Tuttle, Heintzelman and McCoun demanded the ayes and noes with the following result:

AYES.

Messrs. Flint, French, Mandeville, May, McCoun, McNeil, Peck, Rust, Scellen and Stebbins—10.

NOES.

Messrs. Colby, Crenshaw, Day, Gove, Hall, Hawks, Heintzelman, Hook, Keene, Leake, Lippincott, McGarry, Moore, Norman, Tuttle and Whiting—16.

The question being then, "Shall the bill be read a third time?"

Mr. Burton moved that the bill be indefinitely postponed.

Mr. French moved to lay upon the table the motion that the bill be indefinitely postponed.

Upon which Messrs. Hawks, Colby and Tuttle demanded the ayes and noes.

Mr. Mandeville moved that the Senate adjourn.

Upon which Messrs. Tuttle, Hawks and Mandeville demanded the ayes and noes with the following result:

AYES.

Messrs. Day, Flint, French, Hall, Hook, Keene, Leake, Mandeville, May, McCoun, McNeil, Rust and Stebbins—13.

NOES.

Messrs. Burton, Colby, Crenshaw, Gove, Hawks, Heintzelman, Lippincott, Mahoney, Norman, Tuttle and Whiting—11.

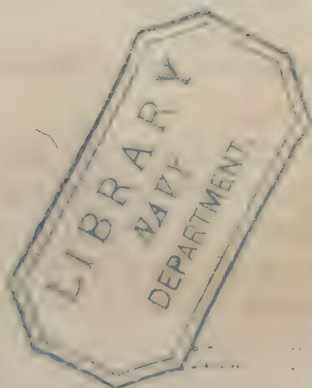
So the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

WM. A. CORNWALL,

Secretary.





## IN SENATE.

WEDNESDAY, March 21, 1855.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read.

Mr. Tuttle moved to amend the Journal by inserting the names of Messrs. Hook and Whiting as voting in the negative upon the motion to refer to a Select Committee of five Senate bill No. 100, entitled an Act to prohibit Public Gambling, and the substitute to said bill introduced by Mr. McCoun; also, to insert after the statement of the aggregate vote upon the motion to refer, the following words:

“So the motion to refer the bill to a Select Committee was lost.”

Also, to strike out so much of the Journal as announced the appointment of said Select Committee by the President.

Also, to strike out so much of the Journal as instructed the said Committee to report.

Which motions were severally agreed to.

Mr. Whiting presented the following report:

*Mr. President :*

The Judiciary Committee have had under consideration Assembly bill No. 264, An Act to regulate Fees in Office, and report the same back to the Senate, without amendments, and recommend its passage. The Committee would also recommend that the usual number of copies be printed, and that the bill be made the special order for next Wednesday.

B. C. WHITING,

Chairman *pro tem*.

Laid upon the table.

Mr. May presented the following report:

*Mr. President :*

The Committee on Military Affairs, to whom was referred the communication of the Quartermaster General, have had the same under consideration, and inasmuch as there is a bill now pending in the Assembly embodying the views of the Quartermaster General, I have been instructed by that Committee to report

said communication back to the Senate, without recommendation, and beg leave to be discharged.

All of which is respectfully submitted.

W. B. MAY,  
Chairman.

Laid upon the table.

Mr. Norman moved that the Select Committee of five having in their possession Senate bill No. 100, entitled an Act to prohibit Public Gambling, and the substitute to said bill, be instructed to return the same to the Senate.

Agreed to.

Mr. Mahoney presented the following report:

*Mr. President:*

The Committee on Commerce and Navigation, to whom was referred Senate bill for an Act to authorize the construction of a Wharf at Half Moon Bay in the County of San Francisco, have considered the same, and report the bill back, with an amendment, and recommend its passage.

Also, Assembly bill for an Act to authorize John Horner and others to construct a Lock on Alameda River in the County of Alameda, with an amendment, and recommend its passage.

Also, Senate bill for an Act concerning the enrollment of Steamboats and other Vessels, without amendment, and recommend its passage.

D. MAHONEY,  
Chairman.

Laid upon the table.

Mr. French presented the following report:

*Mr. President:*

The Committee on Public Expenditures, to whom was referred Senate bill No. 56, An Act to authorize the Controller of State to issue a Duplicate Warrant to S. H. Marlette, report the same back and recommend its passage.

A. FRENCH,  
Chairman.

Laid upon the table.

Mr. Keene moved that Senate bill No. 100, entitled an Act to prohibit Public Gambling, be referred to a Select Committee.

Mr. Stebbins moved to add "and that they be instructed to report to-morrow." Accepted.

The question being then upon the motion as amended,

Messrs. Mandeville, Tuttle and McGarry demanded the ayes and noes with the following result:

AYES.

Messrs. Burton, Crenshaw, Flint, French, Hall, Hawthorne, Hook, Keene, Leake, Mahoney, May, McCoun, Moore, Rust, Scellen and Stebbins—16.

NOES.

Messrs. Colby, Day, Gove, Hawks, Heintzelman, Lippincott, Mandeville, McGarry, McNeil, Norman, Tuttle and Whiting—12.

Mr. Mahoney presented the following report:

*Mr. President:*

The Committee on Commerce and Navigation, to whom was referred the special message of the Governor in relation to Whaling Vessels, the Whale Trade and the importance of securing for California and especially the City of San Francisco the benefits of this branch of American Commerce, beg leave to report that a careful examination of the important facts and suggestions made by the Governor, induce them to report a bill amendatory of the 31st section of the Act passed at the last session of the Legislature, in relation to pilots and pilot charges.

The thirty-first section of the Act above referred to, is so amended by the bill herewith presented for your consideration, as to authorize all vessels engaged in the whaling business or trade, to enter the port of San Francisco, and all other ports of this State, free of charge for pilotage, except in cases where a pilot is required and actually taken on board, and then the charge to be the same as is now allowed and paid at Honolulu and the other ports in the Pacific, viz: fifty cents per foot, without regard to draught, on outgoing vessels.

This charge, it is believed, will not only meet the approbation of those directly interested in the whale trade, but, also, of the pilots, (who have now large sums invested) so as to enable them successfully to perform the duties enjoined by law, at all seasons of the year.

Your Committee have also considered the suggestions made by the Governor in relation to additional legislation to secure the faithful performance of contracts made by owners or the agents with the men composing the crew, and recommend that so much of the message as relates to the legislation deemed necessary to protect masters and owners of whale ships against vexatious law suits, be referred to the Committee on the Judiciary.

Believing that the bill herewith reported will remove the objection heretofore urged against the pilot laws of the State, and enable those engaged in the whale trade to make San Francisco and other ports of this State places of rendezvous in the fall and spring seasons of each year, with a view of obtaining supplies, recruits and having repairs made, your Committee would respectfully recommend its immediate passage by the Senate.

D. MAHONEY,

Chairman.

Laid upon the table.

Senate bill No. 137, reported by the Committee on Commerce and Navigation, entitled an Act to amend the Thirty-First Section of an Act entitled an

Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed May 11, 1854.

Read a first and second time.

Mr. Whiting moved that the bill be referred to the Judiciary Committee.

Lost.

The bill was laid upon the table.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on the 15th inst., Assembly bill No. 240, substitute for Senate bill No. 96, An Act to provide J. G. Stebbins, W. W. Stow and H. P. A. Smith with Duplicate Warrants in lieu of certain Warrants lost or destroyed.

Also, passed on the 16th inst., Assembly bill No. 174, An Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854.

Also, Assembly bill No. 167, An Act to authorize the Funding of the outstanding Stockton City Scrip.

Also, passed on the 17th inst., Assembly bill No. 250, An Act to provide for the settlement of the affairs of the State Marine Hospital at San Francisco, and to dispose of the property belonging to the same; and, also, to provide for the Indigent Sick remaining therein, at the cost of the State, on the first day of April, 1855.

Also, Assembly bill No. 269, An Act to discharge the Board of Examiners of War Claims from further duties.

Also, Assembly bill No. 275, An Act to legalize a certified copy of Book A of Records of Sacramento County.

Also, passed on the 19th inst., Assembly bill No. 282, An Act to extend the time of holding the Annual Election for City Officers of the City of Sacramento for the year 1855.

Also, passed on the 19th inst., Senate bill No. 76, a bill for an Act to provide for the Indigent Sick in the Counties of this State.

Also, Senate bill No. 114, a bill for an Act concerning the County Records of Los Angeles County.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 240, being a substitute for Senate bill No. 96, entitled an Act to provide J. G. Stebbins, W. W. Stow and H. P. A. Smith with Duplicate Warrants in lieu of certain Warrants lost or destroyed.

Read and concurred in.

Assembly bill No. 282, entitled an Act to extend the time of holding the Annual Election for City Officers of the City of Sacramento for the year 1855.

Read a first time and referred to the Sacramento Delegation.

Assembly bill No. 174, entitled an Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 167, entitled an Act to authorize the Funding of the outstanding Stockton City Scrip.



Read a first and second time and referred to the San Joaquin Delegation.

Assembly bill No. 250, entitled an Act to provide for the settlement of the affairs of the State Marine Hospital at San Francisco, and to dispose of the property belonging to the same; and, also, to provide for the Indigent Sick remaining therein, at the cost of the State, on the first day of April, 1855.

Read a first and second time and referred to the Committee on Hospitals.

Assembly bill No. 275, entitled an Act to legalize a certified copy of Book A of Records of Sacramento County.

Read a first and second time and referred to the Sacramento Delegation.

Assembly bill No. 269, entitled an Act to discharge the Board of Examiners of War Claims from further duties.

Read a first and second time and referred to the Committee on Indian Affairs.

The substitute adopted by the Assembly to the second section of Senate bill No. 76, entitled an Act to provide for the Indigent Sick in the Counties of this State, was read.

Mr. Moore moved that the Senate non-concur with the Assembly in their substitute.

Agreed to.

The amendments made by the Assembly to the eighth section of the bill.

Read and severally concurred in.

Mr. Mahoney moved that a Committee of Conference be appointed on the part of the Senate upon the disagreeing vote of the two Houses upon the substitute adopted by the Assembly to the second section of the bill.

Lost.

The bill was laid upon the table.

Mr. Tuttle submitted the following resolution:

*Resolved*, That the Secretary of the Senate, W. A. Cornwall, be removed from the office he now holds.

On motion of Mr. Leake, it was laid upon the table and made a special order for to-morrow at half past eleven o'clock.

On motion of Mr. Crenshaw, Senate bill No. 9, entitled an Act to encourage the construction of a Rail Road and Telegraph Line from the Bay of San Francisco to the Eastern Line of this State, with branches thereto, was made a special order for Friday next, 23d inst.

Leave being granted, Mr. Keene introduced a bill entitled an Act to authorize the construction of a Wagon Road from the Sacramento Valley to the Eastern Boundary of the State of California.

Read a first time and laid over under the rule.

Senate bill No. 84, entitled an Act to amend an Act entitled an Act for the government and protection of Indians, passed April 22, 1850.

Read a third time and passed.

Leave being granted, Mr. Stebbins introduced a bill entitled an Act amendatory of an Act entitled an Act to provide for the sale of the interest of the State of California in the property within the Water Line Front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, passed May 18, 1853.

Read a first and second time and laid on the table, and usual number ordered printed.

Leave being granted, Mr. Tuttle introduced a bill entitled an Act to amend an Act entitled an Act regulating Marriages, passed April 22, 1850.

Read a first and second time and referred to the Judiciary Committee.

Leave being granted, Mr. Tuttle introduced a bill entitled an Act to enable the personal representatives and next of kin of persons deceased to maintain Suits in certain Cases.

Read a first and second time and referred to the Judiciary Committee.

Mr. Day presented the following report:

*Mr. President :*

The Committee on Public Lands, to whom was referred the communication of the Surveyor General respecting the procurement of sundry official Maps from the United States Surveyor General's office, have had the same under consideration, and beg leave to report as follows.

The need of an accurate and reliable State Map, is felt in almost every legislative measure connected with roads, railroads, county boundaries, and the disposal of the public lands. That no such map has been yet published in this State, is too well known. It is needless, however, for the Committee here to recapitulate the history of the present "Official" State Map, or to point out its errors and deficiencies. Since the compilation of that map, a much larger amount of authentic materials has been collected, at great expense to the United States, by the different surveying corps, under several departments of the General Government. The County Surveyors have also gathered abundant items of information by their numerous private surveys; and the railroad surveys and various ditch surveys in the mines have also contributed their share to the common stock.

In what mode the State shall possess itself of this fund of information, and combine it all into an accurate general map of the State, in manuscript, and not in print, is what the Committee propose briefly to consider.

In the first place, the State must expect to pay a reasonable compensation for the labor of collecting, collating and drawing in the original materials. Competent persons, who possess the discrimination, intelligence and artistic skill necessary for such a work, will not spend their labors without pay, because they can always command it in other pursuits.

In the second place, the State should discard all idea of engraving, printing or publishing a map, and should spend not a dollar upon gorgeous coloring, ostentatious lettering, borders and pictorial embellishments. Nothing should be placed upon such a map that has not been ascertained by actual survey, and been subjected to the test of thorough scrutiny; and all those portions of the State, the topography of which has not been determined by accurate measurement, or other modes equally authentic, should be left entirely blank, or only indicated in pencil. To some persons, this latter feature of a map may not seem to be very valuable, yet those who have been misled by the vague, erroneous and delusive topography with which some of our printed maps are encumbered, will know how to appreciate a map which shows at once where accurate determination ceases, and where complete uncertainty prevails.

By thus leaving a blank, whenever new authentic information is obtained, it may successively be inserted until after a few years a complete map of all portions of the State shall have been perfected. This map, and all the auxiliary maps collected during its compilation, should never be made the subject of copyright, or of private speculation, but should be deposited with the Surveyor General of the State, and be open and free to be inspected or copied by all persons

desiring information from them; and any publisher choosing to undertake their publication at his own risk, should be allowed freely to do so. By this process the information will go forth to the people with its authenticity insured, and rendered cheap by free competition.

The largest and most valuable body of information for the commencement of a State Map, has been gathered by the township and section surveys of the public lands under the United States Surveyor General. This has cost the United States many thousands of dollars, but its topographical results may be transferred to this State at a very trifling cost compared with its value. One of this Committee has examined a skeleton map now in the office of the United States Surveyor General at San Francisco, which would form the basis of the copy proposed to be furnished to the State, but to which would be added the information to be derived from the notes of several Deputy Surveyors recently returned.

This map has drawn upon it, on a scale of twelve miles to the inch, all the township lines, (of six miles each) that have thus far been actually measured in this State under the United States Surveyor General. Those townships which have been subdivided and staked off into sections, are designated by a letter S. Connected with the township lines there are delineated such items of topography as the crossings of streams and roads, and their courses; the position of towns accurately determined, and of the Indian and United States military reservations; the outlines and position of the tule lands of the San Joaquin and Sacramento Valleys, and the marsh lands around San Francisco Bay; the outlines of of the lower hills and higher mountain ridges that skirt the larger valleys, the position of prominent peaks among these mountains, and of some of the passes across them.

The outlines or frame work of this map comprehend the entire boundaries of the State. The surveys actually returned and delineated, cover the greater portion of the level lands and of the lower hills of the San Joaquin, Sacramento, Suisun, Santa Clara, San Juan, Pajaro, Salinas, Napa, Sonoma and Livermore's Valleys, the lands around San Francisco Bay, large tracts in the southern counties of the State, and sundry surveys in the counties of Humboldt and Trinity. The surveys under contract, but not yet completed, are also denoted by distinctive marks, and those portions of the State not yet surveyed are left blank for the instion of new surveys.

The map referred to would be an important acquisition to the State in many particulars:

First. As a reliable basis or framework, embracing about one-half or two-thirds of the State upon which may be built up a complete map, by adding as fast as obtained, such other surveys as may be returned from County Surveyors, from the United States Deputy Surveyors, from the Coast Survey, from the State Geologist, and from the various exploring and surveying expeditions under other department's of the United States Government.

Second. It will enable the Legislature to determine with reasonable accuracy the area and location of the larger bodies of swamp and overflowed land. The minor tracts of this kind must be ascertained by maps on a larger scale.

Third. It will show the accurate distances between towns and other prominent points.

Fourth. It will show, in connection with the State Geologist's reports, over what mineral lands the United States surveys have thus far been extended, and will enable the State Geologist more accurately to define the position of other leading geological features.

Fifth. It will show the location of each township that has been subdivided into sections, and as none are so subdivided which are, in the opinion of the



United States Surveyor General, claimed under Mexican grants, it will show where land may be settled with an undoubted pre-emption title.

Sixth. It will indicate to the County Surveyors where the United States lines have been extended within their counties, and enable them to connect therewith, surveys of ranches, pre-emption claims and school land warrants. By a similar connection the State Surveyor General can determine the relative position of the township lines with the boundaries of the State.

Seventh. By indicating the outlines of the mountains, valleys and swamp lands, it will indicate very nearly where the great leading lines of railroad must run.

Eighth. It will enable the Legislature more accurately to estimate the area of the different counties, and much better to define their boundaries by township lines actually surveyed, or by well determined points.

The estimated cost of compiling this map and inserting upon it the more recent surveys, is stated by the United States Surveyor General at two thousand dollars. The value of the information thus acquired by the State is undoubtedly worth a sum incomparably greater.

The communication of the State Surveyor General also refers to the plats of townships subdivided into sections, of which there are about two hundred, which can be copied upon tracing paper at a cost of five dollars each. A specimen of one of these plats is before the Senate. It gives the area and lineal measurement of all the sections in the township, whether full or fractional, and indicates the position, outlines and meanderings of swamp lands and rivers. These plats will be of great value to the various County Surveyors, and will be useful to the Legislature for the several reasons mentioned above, and for the additional reason that all pre-emption rights, school land warrants, or locations of swamp and overflowed lands, falling within those townships, must be located in conformity with the surveys thus platted, as filed in the Register's Land Office at Benicia.

The general township map and the two hundred subdivided plats, being skeleton maps, will be more useful for the investigation of the special matters thereon noted, than those upon which a multitude of details is crowded in unintelligible confusion.

Having procured these very important auxiliary maps, it remains to inquire what we still need to give us a complete and comprehensive State Map. Fortunately, the Committee has been, to a great extent, anticipated in the answer to this inquiry, by the actual compilation of a very accurate and comprehensive manuscript map of this State, and of the adjoining territory of Utah, extending as far east as the South Pass in the Rocky Mountains, by George H. Goddard, Esq., Civil Engineer, of San Francisco. Mr. Goddard, who is an accomplished draughtsman, has made extensive surveys in the mining regions, and accompanied Lieut. Moore on an exploring expedition in the fall of 1853, across the Sierra Nevada, at the head of the Merced River, and, after going nearly as far east as the Vegas de Santa Clara, returned by way of Walker's Lake, Carson River and Johnson's Cut Off, noting carefully the topography of those regions. Mr. Goddard has spent much time and labor in gathering the most authentic materials for the compilation of this work during two years past, and is fully capable of discriminating between the accurate and the superficial in such matters.

He has embodied upon this map the varied materials contributed by County Surveyors, United States Land and Coast Surveyors, the results of Fremont's, Stansbury's and other explorations in the region of Salt Lake, and also of the Gila, Colorado and Mohave Rivers. He has received, recently, in advance of others, copies of the maps of Gov. Stevens, Beckwith, Whipple, Williamson



and others, recently published by Congress, and has added thereto much original matter collected by his own explorations and surveys.

The topography of Utah Territory and part of New Mexico, as far as known, is a most important addition to a map of California when we consider the light it throws upon the great questions of the routes for the National Pacific Railroad and the immigrant wagon roads. All these points are fully illustrated by Mr. Goddard's map. Two letters from Mr. Goddard in relation to a State Map, will be found in the appendix to the Surveyor General's annual report.

The price which he demands for his map is two thousand dollars, and for this he will place upon it all the recent information received, plat it in ink and colors in good taste, and leave it in such a state that additional information can be inserted upon it from time to time.

The total cost, therefore, of this valuable collection of manuscript maps, amounts to five thousand dollars. If this sum is appropriated by the State for this purpose, and the information therein contained is thrown open to all, there are, without doubt, enterprising publishers enough who will gladly undertake the work of spreading it in a cheap printed form before the public.

For the purposes above mentioned, the Committee beg leave to introduce the accompanying bill.

By order of the Committee.

S. DAY.

On motion of Mr. May, the usual number of copies of the report, and Senate bill No. 133, entitled an Act to provide for the purchase of sundry manuscript Maps therein described, were ordered printed.

Senate bill No. 118, An Act to allow John J. Ellet to construct a Canal at Belmont in the County of San Francisco.

Taken up, read a third time and passed.

Mr. Rust gave notice that, on to-morrow, or an early day thereafter, he will introduce a bill to provide for the publication of the Decisions of the Supreme Court of this State.

Mr. Rust gave notice that, on to-morrow, he will introduce a bill to prevent the counterfitting of Gold Dust.

Senate bill No. 124, entitled an Act for the relief of Lorenzo Sawyer.

Read by its title.

Mr. McGarry moved to strike out the word "Lorenzo," wherever it occurred in the bill, and insert, in lieu thereof, the word "Jesse."

Agreed to.

Mr. Moore moved that the bill be referred to the Committee on Finance.

Lost.

The bill, as amended, was read a third time and passed.

Assembly bill No. 149, entitled an Act concerning the Records in the office of the County Recorder of San Francisco County.

Re-committed to the San Francisco Delegation with instructions to report to-morrow.

Mr. McCoun, Senator from San Joaquin, to whom was referred Assembly bill No. 167, entitled an Act to authorize the Funding of the outstanding Stockton City Scrip, reported the same back, recommending its passage without amendment.

The report was concurred in.

The bill was read a third time and passed.

Mr. McGarry presented the account of Harmon & Springer for subscription for El Dorado newspaper.

Referred to the Committee on Contingent Expenses.

Assembly bill No. 191, entitled an Act authorizing the Commissioners of the Funded Debt of the County of Tuolumne to re-issue certain Bonds to John W. Dwinelle.

Read and the amendments reported to the same by the Tuolumne Delegation were concurred in.

On motion of Mr. Mandeville, the bill was read a third time and passed.

Mr. Burton moved a call of the Senate.

Lost.

Mr. McGarry moved that the Senate adjourn.

Lost.

On motion of Mr. Whiting, Assembly bill No. 151, entitled an Act for the protection of Rural Cemeteries, was read.

Mr. Burton moved that the bill be indefinitely postponed.

Upon which Messrs. Whiting, French and Burton demanded the ayes and noes with the following result:

AYES.

Messrs. Burton, Crenshaw, Day, Flint, French, Hawks, Hook, Leake, Mahoney, May, McCoun, McGarry, McNeil, Norman, Peck, Scellen, Stebbins and Tuttle—18.

NOES.

Messrs. Gove, Hall, Hawthorne, Heintzelman, Lippincott, Mandeville, Moore, Rust and Whiting—9.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on the 20th inst., Senate bill No. 109, An Act authorizing the Governor of this State to transmit to the Secretary of War at Washington City a statement in relation to the War Debt of California.

Also, Senate bill No. 75, An Act appropriating money to pay Louis Bartlett for services rendered the State.

Also, Assembly bill No. 235, An Act amendatory of an Act to provide for the protection of Foreigners, and to define their liabilities and privileges, passed March 30, 1853.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 235, An Act amendatory of an Act to provide for the protection of Foreigners, and to define their liabilities and powers, passed March 30, 1853.

Taken up, read a first and second time, and referred to the Committee on Mines and Mining Interests.

Mr. Stebbins moved that the Senate adjourn.

Lost.

Senate bill No. 97, entitled an Act to authorize the Board of Supervisors of San Francisco County to allow and settle the Claim arising out of the purchase of certain property in said County known as the Laffan & Gillespie purchase.

Re-committed to the San Francisco Delegation and the Senator from Santa Cruz.

Mr. Whiting gave notice that he will, to-morrow morning, introduce a bill to provide for the selection of Lands donated by the United States to the State of California for the support of Common Schools and for the erection of Public Buildings.

Leave being granted, Mr. Day introduced a bill entitled an Act to amend section forty-one of an Act entitled an Act for the Incorporation of Railroad Companies, passed April 22, 1853.

Read a first and second time and referred to the Committee on Corporations.

Leave being granted, Mr. Scellen introduced a bill entitled an Act to authorize S. D. Hill and G. Webber to construct a Toll-Bridge across the North Fork of the Yuba River.

Read a first and second time and referred to the Senator from the Sierra District.

On motion of Mr. Heintzelman, the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

WM. A. CORNWALL,

Secretary.

## IN SENATE.

THURSDAY, March 22, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. May asked leave to withdraw the resolution offered by Mr. Tuttle on yesterday concerning the removal of W. A. Cornwall, Esq., from his position as Secretary of the Senate.

The President announced that the hour had arrived for the special order of the day which was the resolution offered by Mr. Tuttle.

Mr. French moved the adoption of the resolution.

Mr. Rust moved to lay the resolution upon the table, and that the same be made the special order for to-morrow, at 12 o'clock.

Lost.

The question then recurred upon the passage of the resolution.

Upon which the ayes and noes were demanded by Messrs. Kendall, French and Leake with the following result:

## AYES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, Mahoney, Mandeville, McCoun, McGarry, McNeil, Moore, Norman, Peck, Rust, Scellen, Stebbins and Whiting—27.

## NOES.

None.

So the resolution was adopted.

Mr. Crenshaw offered the following resolution:

*Resolved*, That the Senate now proceed to the election of a Secretary.

Adopted.

Mr. Stebbins nominated Mr. Chas. Dickinson.

Mr. French nominated Mr. E. O. F. Hastings.

Those who voted for Mr. Dickinson were—Messrs. Burton, Colby, Crenshaw, Day, Flint, Gove, Hall, Hawks, Hawthorne, Heintzelman, Kendall, Leake, Lippincott, Mahoney, May, McCoun, McGarry, Moore, Norman, Peck, Scellen, Stebbins and Whiting—23.

Those who voted for Mr. Hastings were—Messrs. French, Hook, Keene, Mandeville, McNeil and Rust—6.

Mr. Dickinson having received a majority of the votes cast, the President declared him duly elected.

Mr. Leake moved that the Senate proceed to the election of an Assistant Secretary.

Agreed to.

Mr. Leake nominated Mr. E. O. F. Hastings.

Mr. McCoun nominated Mr. Douglass.

Mr. McGarry nominated Mr. May.

Those who voted for Mr. Hastings were—Messrs. Burton, Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, Mandeville, McNeil, Norman, Peck, Rust and Stebbins—16.

Those who voted for Mr. Douglass were—Messrs. Flint, Hawks, Hawthorne, McCoun and Scellen—5.



Those who voted for Mr. May were—Messrs. Day, Hall, Mahoney, May, McGarry and Whiting—6.

Mr. Hastings having received a majority of the votes cast, the President declared him duly elected.

On motion of Mr. Keene, the Secretary and Assistant were duly qualified.

On motion of Mr. Heintzelman, the Senate adjourned.

SAMUEL PURDY,

President of Senate.

## IN SENATE.

FRIDAY, March 23, 1855.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Tuttle presented the petition of citizens of the eastern part of Placer County, praying for the division and formation of a new County.

Read and referred to the Delegation from Placer.

Mr. Tuttle presented a further petition of citizens of Placer County, praying for the passage of a Prohibitory Gambling Law.

Read and referred to the Committee on Public Morals and Police.

Mr. Day presented the petition of the municipal officers and citizens of Oakland, praying for the passage of a law authorizing the funding of the city floating debt of the City of Oakland.

Read and referred to the Senator from Santa Clara.

Mr. Crenshaw presented petitions from citizens of Nevada and Sierra Counties, asking for a change in the boundary lines between the two Counties.

Read and referred to the Committee on Counties and County Boundaries.

Mr. Hook presented the following report:

*Mr. President:*

The Committee on Indian Affairs have had under consideration Assembly bill No. 269, entitled an Act to discharge the Board of Examiners of War Claims from further duties, and have instructed me to report the same back, with amendments, and recommend its passage.

G. W. HOOK,

Chairman.

Mr. Peck moved that the bill be taken up and the amendments offered by the Committee be adopted.

Mr. Leake moved to amend section two by striking out the words "other clerks in the State offices," and insert the same as the "first clerk in the Secretary of State's office."

Agreed to.

The bill was then read a third time and passed.

Mr. Kendall presented the petition of Richard C. Barry for pay for services rendered the State while Justice of the Peace at the City of Sonora, Tuolumne County, in the years 1850 and 1851.

Read and referred to the Committee on Claims.

Mr. Burton submitted the following report:

*Mr. President :*

Your Committee to whom was referred Assembly bill No. 65, entitled An Act to provide for taking the Second Census in 1855, and for taking the Census thereafter, have had the same under consideration and beg to report the same back, without amendment, and recommend its passage.

BURTON, }  
DAY,        } Committee.  
RUST,       }

Laid upon the table.

Mr. McCoun submitted the following report:

*Mr. President:*

The Select Committee to whom was referred Senate bill No. 100, and substitute of same, beg leave to report back to the Senate both of said bills, with a substitute to the original bill and substitute, and unanimously recommend its immediate passage.

W. H. McCOUN,  
G. D. HALL,  
WILSON FLINT,  
CHAS. A. TUTTLE.

Mr. Whiting presented the following report:

*Mr. President :*

The Judiciary Committee have instructed me to report Assembly bill No. 38, back to the Senate, without amendments, and recommend its passage.

B. C. WHITING,  
Chairman *pro tem*.

Laid upon the table.

Mr. Whiting presented the following report:

*Mr. President :*

The Select Committee, to whom was referred Assembly bill No. 76, entitled an Act to amend an Act to provide for the Incorporation of Railroad Companies, with instructions, have had the same, with the the several amendments thereto, under consideration, and report the same, with an amendment to be added to the amendments already submitted.

B. C. WHITING.

Laid upon the table.

■ Mr. Heintzelman submitted the following report:

*Mr. President:*

The Committee on Agriculture have had under consideration An Act concerning Lawful Fences, and have instructed me to report the same back, with amendments, and recommend its passage.

H. P. HEINTZELMAN,

Chairman.

Laid upon the table.

Mr. McGarry, from the Committee on Contingent Expenses, reported back the bill of the El Dorado News, and recommended its payment.

Laid upon the table.

Mr. Scellen submitted the following report:

*Mr. President :*

The Committee to whom was referred Senate bill No. 138, to provide for the construction of a Bridge across the North Yuba River at Downieville, beg leave to report the same back, and recommend its passage.

JNO. D. SCELLEN.

Laid upon the table.

Mr. McGarry presented the following report:

*Mr. President :*

The Delegation from the Tenth and Eleventh Senatorial Districts, to whom was referred Assembly bill No. 97, An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851, have had the same under consideration, report the same back, without amendment, and recommend its passage.

EDW. MCGARRY.

H. P. HEINTZELMAN.

Laid upon the table.

Mr. Crenshaw submitted the following report:

*Mr. President:*

The Special Committee, to whom was referred the petition of James Walsh, asking relief for Indian depredations, and expenses incurred in suppressing Indian hostilities, have had the same under consideration, and ask leave to submit a bill for his relief and recommend its passage.

JNO. T. CRENSHAW,  
B. F. KEENE.

Laid upon the table.

Mr. Whiting, according to previous notice, introduced a bill for an Act to provide for the selection of Lands donated by the United States to the State of California for the support of Common Schools and for the erection of Public Buildings.

Read first and second time and referred to the Committee on Public Lands.

Mr. McGarry offered the following resolution:

*Resolved*, That the members of the Committees on the State Library and Stockton Insane Asylum be allowed mileage out of the Contingent Fund of the Senate for visiting San Francisco and Stockton.

Adopted.

Leave being granted, Mr. Lippincott introduced a bill for the relief of Mrs. Annie V. R. Wells, widow of Judge Alex. Wells.

Read a first and second time and referred to the Judiciary Committee.

Mr. May offered the following resolution:

*Resolved*, That the President and Secretary of the Senate, with one member of the Senate, be authorized to examine the accounts of and settle with the late Secretary.

Adopted.

The President appointed Mr. May to act in concert with the President and Secretary.

The following message was received from his Excellency, the Governor, returning Senate bill entitled an Act granting Abram G. Kensey the right to construct a Toll-Bridge across the American River at Negro Bar, with his veto:

EXECUTIVE DEPARTMENT,  
Sacramento, March 22, 1855. }

*To the Senate of California:*

An Act which originated in the Senate entitled an Act granting Abram G. Kensey the right to construct a Toll-Bridge across the American River at Negro Bar, is herewith returned without approval.



The Act grants to a single individual important powers and privileges, which, in the absence of law, cannot be exercised and enjoyed by "individuals or partnerships," and it is, therefore, regarded as in conflict with the spirit, if not the letter, of the thirty-first section of article four of the Constitution, which reads as follows:

"Corporations may be formed under general laws, but shall not be created by special act except for municipal purposes."

Although the foregoing section, it is conceived, clearly prohibits the forming of corporations under special acts, the framers of the Constitution, determined that its design should not be misunderstood, adopted another, the thirty-third, defining the meaning of the term corporations, which reads as follows:

"The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships."

The powers and privileges conferred by the Act herewith returned, are believed to be such as appertain to corporations within the meaning of the Constitution, and a corporation is, therefore, created by the Act in contravention of the thirty-first section of article four of the Constitution.

The object of the framers of the Constitution in adopting the foregoing section, was evidently to prohibit the law making power from granting to private parties, by special enactments, "powers and privileges," which, in the absence of law, could not be enjoyed by individuals or partnerships.

Although the Constitution prohibits the creation of corporations by special Acts, it authorizes the formation of corporations under general laws, and there is now a carefully prepared Act on the Statute Book, passed in April, 1850, and amended, I believe, in 1853, which authorizes and empowers Courts of Sessions to grant corporate privileges, subject, however, to wholesome restrictions.

This Act should immediately be so amended as to transfer to Boards of Supervisors all the civil powers heretofore exercised under it by Courts of Sessions.

But, whether this be done or not, it is believed that the Boards of Supervisors can act in the premises, for the reason that the Act providing for their election, and defining their duties and powers, confers upon them, in general terms, it is true, all the civil powers heretofore exercised by the Courts of Sessions.

Under this general law, if the improvement is necessary, and is desired by those immediately interested, the party named in the Act can obtain all the privileges by him required so soon as a Board of Supervisors shall have been elected by the people for the County of Sacramento.

The proposed improvement is one of considerable importance to the people of Sacramento and the surrounding counties, and they, through Supervisors of their own choosing, should have the power under the general law, of determining whether the proposed bridge should or should not be erected.

It is true that special Acts authorizing similar improvements have heretofore been passed and approved, but all of them, it is believed, contain stringent protective provisions, and, in fact, most of them simply authorize the erection of bridges and the opening of highways, subject to the general law of 1850, concerning corporations.

But, so far as the present is concerned, we should be governed, not by precedents established by ourselves, but by what we believed to be correct and true policy.

And if convinced by experience that we have, in similar matters, erred in the past, it is our duty not only to be more careful in our future actions, but, with as little delay as practicable, correct all errors heretofore committed.

JOHN BIGLER.

Mr. French moved that the rules be suspended and that the Senate proceed to consider the bill returned with the Governor's objections.

The question being then, "Shall the bill pass notwithstanding the Governor's objections?"

It was decided in the negative by the following vote:

AYES.

Messrs. French, Hall and Norman—3.

NOES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, Mahoney, Mandeville, May, McCoun, McFarland, McGarry, McNeil, Moore, Peck, Rust, Scellen, Stebbins, Tuttle and Whiting—26.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly passed, on the 17th inst., Assembly bill No. 91, An Act in relation to Estates of Joint Tenancy.

Also, on 19th inst., Assembly bill No. 218, An Act amending an Act entitled an Act to establish an Asylum for the Insane of the State of California, passed May 17, 1853.

Assembly bill No. 280, An Act to authorize the working of County Convicts in Sacramento County.

And, on the 20th inst., the following bills:

Assembly bill No. 203, An Act to Incorporate the Town of Martinez.

Assembly bill No. 249, An Act to authorize the Board of Supervisors in and for the County of Marin to levy a Special Tax for the erection of Public Buildings in said County.

Assembly bill No. 251, An Act to authorize the Board of Supervisors in and for the County of Sutter to levy a Special Tax for the erection of Public Buildings in said County.

Assembly bill No. 261, An Act to fix the compensation of the County Judge of Sierra County, and to repeal in part the first section of an Act entitled an Act to fix the compensation of County Judges and Associate Justices of the Courts of Sessions, passed May 17, 1853.

Assembly bill No. 267, An Act to regulate the Fees of Coroners in the County of San Francisco.

Assembly bill No. 44, An Act amendatory of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Also, that the House, on yesterday, adhered to its amendment to section

two of Senate bill No. 76, An Act to provide for the Indigent Sick in the Counties of this State, and have appointed Messrs. Jones, and Johnston of San Francisco, a Committee of Conference on the part of the House upon the disagreeing vote of the two Houses, and request the appointment of a similar Committee on the part of the Senate.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 91, entitled an Act in relation to Estates of Joint Tenancy.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 218, An Act amending an Act entitled an Act to establish an Asylum for the Insane of the State of California, passed May 17, 1853.

Read first and second time and referred to the Committee on Hospitals.

Assembly bill No. 280, entitled an Act to authorize the working of County Convicts in Sacramento County.

Read first and second time, and referred to Judiciary Committee.

Assembly bill No. 203, entitled an Act to Incorporate the Town of Martinez.

Read first and second time and referred to the Committee on Corporations.

Assembly bill No. 261, An Act to fix the compensation of the County Judge of Sierra County, and to repeal in part the first section of an Act to fix the compensation of County Judges and Associate Justices of the Courts of Sessions, passed May 17, 1853.

Read first and second time and referred to the Judiciary Committee.

Assembly bill No. 267, An Act to regulate the Fees of Coroner in the County of San Francisco.

Read first and second time and referred to the San Francisco Delegation.

Assembly bill No. 44, An Act amendatory of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Read first and second time and referred to the Judiciary Committee.

Assembly bill No. 249, An Act to authorize the Board of Supervisors in and for the County of Marin to levy a Special Tax for the erection of Public Buildings in said County.

Read a first and second time and referred to the Senator from that County.

Assembly bill No. 251, An Act to authorize the Board of Supervisors in and for the County of Sutter to levy a Special Tax for the erection of Public Buildings in said County.

Read a first and second time and referred to the Delegation from Yuba and Sutter.

Mr. Gove gave notice that he will introduce to-morrow, or at an early day, a bill to amend the Charter of the City of Sacramento.

Mr. Day gave notice that he will, on to-morrow, or on some early day thereafter, introduce a bill for an Act to provide for Funding the outstanding Indebtedness of the City of Oakland.

Mr. Keene offered the following resolution:

*Resolved*, That the Select Committee appointed to examine and cancel re-

deemed Controller's Warrants and Coupons be authorized to employ an additional Clerk.

Adopted.

Mr. Hawks presented the following report:

*Mr. President:*

The majority of the San Francisco Delegation, to whom was referred Assembly bill No. 181, for an Act to provide for Funding the Floating Debt of the City of San Francisco, and for the extinguishment thereof, have had the same under consideration, and respectfully report it back to the Senate, recommending its indefinite postponement, and reporting a substitute bill for the consideration of the Senate.

W. W. HAWKS.  
D. MAHONEY,  
WILSON FLINT.

Mr. Hawks moved that the substitute be made the special order for Thursday next.

Agreed to.

Mr. Mahoney submitted the following:

The majority of the Delegation from San Francisco give notice that they will, at an early day, introduce a bill to abolish the offices of Mayor, Alderman and Commonality of the City of San Francisco, and repeal all laws, ordinances and charters under which the City has heretofore been governed, and creating a Board of Trustees, who shall have the full management of the financial and all other affairs of the City.

W. W. HAWKS,  
D. MAHONEY,  
WILSON FLINT.

Mr. Whiting, leave being granted, introduced a bill for an Act entitled an Act to provide for settling the Boundary Line between the Counties of Santa Cruz and Santa Clara and San Francisco.

Read a first and second time and referred to the Delegations of the respective Counties.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, An Act to amend an Act entitled an Act for the Government and protection of Indians, passed April 22, 1850.

Also, An Act to allow John J. Ellet to construct a Canal at Belmont in the County of San Francisco.

Also, an Act for the Relief of Jesse Sawyer.

G. W. COLBY,  
Chairman.



The hour for the special order of the day having arrived, the Senate, as in Committee of the Whole, proceeded to the consideration of Senate bill No. 9, entitled an Act to encourage the construction of a Railroad and Telegraph Line from the Bay of San Francisco to the Eastern Line of this State, with branches thereto.

After some time spent therein, reported the same back and recommended its passage.

Mr. Day offered the following amendment:

Add after section five, "the Governor of the State shall cause such forfeiture to be made public, and, by advertisement, shall invite new bids to be made in accordance with the provisions of this Act.

Adopted.

Mr. Kendall moved to indefinitely postpone the further consideration of the bill.

Mr. Lippincott moved to lay the motion to indefinitely postpone upon the table.

Lost.

The question then recurred upon the motion to indefinitely postpone.

Upon which the ayes and noes were demanded by Messrs. Kendall, McFarland and May, with the following result:

AYES.

Messrs. French, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McNeil, Norman, Peck, Stebbins and Tuttle—12.

NOES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Gove, Hall, Hawks, Hawthorne, Heintzelman, May, McGarry, Rust, Scellen and Whiting—15.

Mr. Leake moved to lay the bill on the table.

Upon which the ayes and noes were demanded by Messrs. Leake, Kendall and Norman, with the following result:

AYES.

Messrs. French, Hook, Keene, Kendall, Leake, Lippincott, Mandeville, May, McFarland, McNeil, Norman, Peck, Stebbins and Tuttle—14.

NOES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Gove, Hall, Hawks, Hawthorne, Heintzelman, McCoun, McGarry, Rust, Scellen and Whiting—15.

Mr. Crenshaw moved that the bill be considered engrossed and go to a third reading.

Lost.

Mr. French moved to strike out in the first section the words "with branches

Add after section first the words "provided no lands donated to this State for school purposes shall be donated to any company by this Act."

Upon which the ayes and noes were demanded by Messrs. Leake, Norman and French, with the following result:

## AYES.

Messrs. Burton, French, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McFarland, McGarry, McNeil, Norman, Peck, Stebbins and Tuttle—  
15.

## NOES.

Messrs. Colby, Crenshaw, Day, Flint, Gove, Hall, Hawks, Hawthorne, Lippincott, Mahoney, May, McCoun, Moore, Rust, Scellen and Whiting—  
16.

Mr. Norman moved to lay the bill upon the table.

Mr. Crenshaw moved the previous question.

Not sustained.

Mr. Tuttle rose to a point of order, that the call for the previous question when not sustained, the bill must go over until to-morrow, and no further motions can be entertained.

The Chair decided the point of order not well taken.

From this decision Mr. Tuttle appealed.

The question then being shall the decision of the Chair stand as the judgment of the Senate?

Decided in the affirmative.

On motion of Mr. Leake, the Senate adjourned.

SAMUEL PURDY,

President of Senate.

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IN SENATE.

SATURDAY, March 24, 1855.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Keene moved to take up that part of the Journal relative to Hospitals,

and that the President appoint a Committee of Conference to act in conjunction with the Committee of the Assembly.

The President appointed Messrs. Keene and Moore as such Committee.

The following communication from Wm. A. Cornwall, late Secretary of the Senate, was read:

SACRAMENTO CITY, March 23, 1855.

*To the Hon. the Senate of the State of California :*

The action of the Senate yesterday in regard to myself, having been conclusive and final, and my connection with your honorable body having been forever dissolved, I now leave to make a public acknowledgment to the Senate of my errors, and to ask their pardon for violating a principle which I recognize and revere: I mean the principle that a Senator ought never to be called to account for words spoken in debate.

In explanation of my conduct towards the Senator from Placer, I would state that the act was done in a moment of passion when I supposed that he intended to charge me with purposely altering the Journals of the Senate. I am sorry, and I hope the Senate will exercise towards me that charity which is one of the divine propensities of human nature.

I entertain for the Senators, collectively and individually, the highest respect, and with the fervent hope that they may prosper in all their undertakings, I bid them a final farewell.

WM. A. CORNWALL,

On motion of Mr. Hawks, it was placed on the Journal.

Mr. Lippincott presented the following report:

*Mr. President :*

The Committee on State Printing, to whom was referred Senate bill No. 128, being an Act to recompense B. B. Redding and George Kerr & Co., for work performed during the year 1854, respectfully report that they have carefully examined the books of B. B. Redding, and persons acquainted with the business of George Kerr & Co., and recommend the passage of the bill without amendment.

Your Committee also ask leave to present the accompanying affidavits of B. B. Redding and B. C. Monson as evidence of the justice of the claims.

C. E. LIPPINCOTT,

Chairman.

Mr. McNeil presented the following report:

*Mr. President :*

The Committee on Public Morals and Police, to whom was referred Assembly bill No. 54, An Act to prohibit Lotteries, Raffles, Gifts, Enterprises and

schemes of like character, have had the same under consideration, and report it back, without amendment, and recommend its passage.

A. McNEIL,  
Chairman.

Mr. Crenshaw submitted the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 135, entitled an Act to enable the personal representatives and next of kin of persons deceased to maintain Suits in certain Cases, and have directed me to report the same back, without amendments, recommending the passage of the same.

JNO. T. CRENSHAW,  
Of Committee.

Mr. Crenshaw submitted the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 136, entitled an Act to amend an Act entitled an Act regulating Marriages, passed April 22, 1850, and have directed me to report the same back, without amendments, recommending that the same be passed.

JNO. T. CRENSHAW,  
Of Committee.

Mr. Heintzelman submitted the following report:

*Mr. President :*

The Assembly bill 249, An Act to authorize the Board of Supervisors of Marin County to levy a Special Tax for the erection of Public Buildings in said County, having been referred to me, beg leave to report the same back to the Senate and recommend its passage.

H. P. HEINTZELMAN.

Mr. Hawks presented the following report:

*Mr. President :*

The Select Committee, to whom was referred Senate bill No. 97, for an Act to authorize the Board of Supervisors of San Francisco County to allow and settle the Claim arising out of the purchase of certain property in said County, known as the Laffan & Gillespie purchase, have had the same under consideration, and report it back to the Senate, recommending its passage with an amendment.

W. W. HAWKS.  
Chairman.



Mr. Moore presented a petition from citizens of San Francisco, praying for the funding of the city debt of San Francisco.

Which, on motion, was referred to the San Francisco Delegation.

Mr. Rust presented the following report:

*Mr. President :*

The Committee to whom was referred Assembly bill, An Act to authorize the Board of Supervisors in and for the County of Sutter to levy a Special Tax for the erection of Public Buildings in said County, have had the same under consideration, report the same back and recommend its passage.

P. C. RUST.

The following message and accompanying document was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, }  
Sacramento, March 24, 1855. }

*To the Senate and Assembly of California :*

I have the honor herewith to transmit a copy of a communication received by me on yesterday from Hon. S. A. McMeans, State Treasurer, in relation to certain provisions of the Funding Act of 1855. The suggestions made are worthy of careful examination, and it is hoped, will receive your immediate and favorable consideration.

JOHN BIGLER.

STATE TREASURER'S OFFICE, }  
Sacramento, March 23, 1855. }

*To his Excellency, Gov. John Bigler:*

SIR :—

It becomes my duty to call your attention to a provision contained in the Funding Act of 1855, which has recently received the approval of your Excellency, as it conflicts with one of the provisions of the Act authorizing the sale of water lot property of the State in San Francisco, passed May 18, 1853.

The fifth section of the Funding Act, to which reference has been made, reads as follows:

"And the Treasurer shall liquidate none of the aforesaid indebtedness of the State (Controller's Warrants) but in the manner herein provided, unless otherwise directed by future enactments."

While the seventh section of an Act to provide for the sale of the interest of the State of California in the property within the water line front of the City of San Francisco, etc., which is also referred to above, contains the following provisions:

"The terms of such sale shall be as follows:—Cash, or the civil bonds of the State of California, or the civil warrants of the Controller of State on the Treasury."

As I regard the sales made under the the Water Lot Act of 1853, as embracing all the essential features of a contract entered into between the State and parties purchasing, I doubt the expediency of attempting to enforce that provision of the Funding Act to which your attention has been invited.

I desire that this matter may be so disposed of as to secure definite instructions from the present Legislature at the earliest practicable moment.

I have the honor to be,

Very respectfully,

Your obedient servant,

S. A. McMEANS.

Read and referred to the Judiciary Committee.

The following message was received from the Assembly:

*Mr. President:*

I am directed by the Assembly to inform the Senate that the Assembly passed, on yesterday, Assembly bills No. 24, An Act to provide for the Registry of the names of legally qualified voters in the City and County of San Francisco prior to being permitted to vote at any General or Municipal Election.

Also, bill No. 101, An Act supplementary and amendatory of an Act entitled an Act to provide for the sale of the Interest of the State of California in the property within the Water Line Front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, passed May 18, 1853.

Also, bill No. 239, An Act to amend an Act entitled an Act defining the time for commencing Civil Actions, passed April 22, 1850.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 24, An Act to provide for the Registry of the names of legally qualified voters in the City of San Francisco prior to being permitted to vote at any General or Municipal Election.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 101, An Act supplementary to and amendatory of an Act entitled an Act to provide for the sale of the interest of the State of California in the property within the Water Line Front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, passed May 18, 1853.

Read first and second time and referred to the Judiciary Committee.

Assembly bill No. 239, An Act to amend an Act entitled an Act defining the time for commencing Civil Actions, passed April 22, 1850.

Read first and second time and referred to the Judiciary Committee.

Mr. Gove, according to previous notice, introduced a bill for an Act to amend and supplementary to an Act entitled an Act to Incorporate the City of Sacramento, passed March, 1851.

Read first and second time and referred to the Sacramento Delegation.

Mr. Gove, according to previous notice, introduced a bill for an Act to amend an Act to regulate proceedings in Criminal Cases, passed May 1, 1851.

Read first and second time and referred to the Judiciary Committee.

Mr. Burton gave notice that he would, on Monday next, move to amend the twenty-seventh Standing Rule of the Senate.

Mr. May gave notice that he will, on Tuesday next, introduce a bill for the construction of a Wagon Road from Crescent City to Jacksonville or Yreka.

Mr. McFarland tendered to the Senate, on behalf of the Trustees of the Insane Asylum at Stockton, a copper plate engraving of that institution, to be placed among the Archives of State, and moved that an additional number of two thousand copies of the report of the Trustees and Physician of the Insane Asylum at Stockton be printed accompanied by impressions from the above plate.

Agreed to.

The following message was received from the Assembly:

*Mr. President:*

I am directed by the Assembly to inform the Senate that the Assembly passed, on yesterday, Assembly bill No. 214, An Act granting to George M. Hanson, Elizabeth E. Nabb and John C. Fall the right to construct a Wire Suspension or Lattice Bridge across Feather River above the Yuba River.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

On motion of Mr. Rust, the bill was then read first and second time and referred to the Delegation from Yuba.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly, on yesterday, passed Senate bill No. 69, An Act to authorize Cruthers & Stuart to use the waters of Stanislaus River for manufacturing purposes, with an amendment, as therein shown, in which the concurrence of the Senate is respectfully requested.

J. M. ANDERSON,  
Clerk of Assembly.

On motion of Mr. Kendall, the bill was then taken up.  
Assembly amendment concurred in.

Mr. McFarland presented the following report:

*Mr. President:*

The Committee on State Hospitals have had under consideration Assembly bill No. 250, entitled an Act to provide for the settlement of the affairs of the State Marine Hospital at San Francisco, and to dispose of the property belonging to the same; and, also, to provide for the Indigent Sick remaining therein, at the cost of the State, on the first day of April, 1855, and beg leave to report the same back, with a substitute, and recommend its passage.

The Committee have also had under consideration the following bills, and recommend that the same be indefinitely postponed, to-wit:

Assembly bill No. 62, entitled an Act concerning the patients now in the State Marine Hospital at San Francisco.

Assembly bill No. 80, entitled an Act for the support and maintenance of the Indigent Sick of Calaveras County.

Senate bill No. 41, entitled an Act to provide for the support of persons arriving in the Harbor of San Francisco laboring under contagious or infectious diseases.

The Committee have also instructed me to report that Senate bill No. 29, for an Act amendatory of an Act entitled an Act concerning passengers arriving in ports of California, passed May 3, 1852, does not properly come before them for their action, and beg leave to return the same to the Senate.

All of which is respectfully submitted,

J. P. McFARLAND,  
Chairman.

Mr. Flint presented the following report:

*Mr. President :*

The Committee on Claims have had under consideration Senate bill No. 119, An Act to provide for the payment of State Prison Inspectors, and report the same back and recommend its passage.

WILSON FLINT,  
P. C. RUST.

Mr. Burton moved that the Senate take into consideration Assembly bill No. 38, entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers.

Mr. Lippincott moved to amend by adding to the last section the words, "provided that so far as it relates to the Fourteenth District, this Act shall take effect from and after its passage."

Mr. May moved to amend by inserting after the word "fourteenth," the words "and fifteenth."

Agreed to.



Mr. Lippincott moved to further amend the last section by inserting the following:

The Governor shall appoint and commission some competent persons as Judges of the Fourteenth and Fifteenth Districts, who shall hold their offices until the next general election, when Judges shall be elected by the qualified voters of the respective Districts. The salary of the Judges of the Fourteenth and Fifteenth Districts shall be fixed at the rate of six thousand dollars a year, to be paid as other District Judges are paid.

Adopted.

Mr. Heintzelman moved that the bill be made the special order for Thursday next.

Lost.

Mr. Hawthorne moved to lay the bill on the table.

Lost.

The bill was then read a third time and passed.

Mr. Stebbins moved that the Senate take under consideration Senate bill No. 134, entitled an Act amendatory of an Act entitled an Act to provide for the sale of the interest of the State of California in the property within the Water Line Front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, passed May 18, 1853.

Agreed to.

Mr. Mahoney moved to refer the bill to the Judiciary Committee.

Upon which the ayes and noes were demanded by Messrs. Keene, McNeil and Mahoney, with the following result:

AYES.

Messrs. Keene, Mahoney, McCoun, McFarland, McGarry, McNeil and Rust—7.

NOES.

Messrs. Burton, Calby, Crenshaw, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Kendall, Lippincott, Manderville, May, Norman, Peck, Scellen and Stebbins—20.

Mr. Rust moved to refer to a Select Committee of three.

Upon which the ayes and noes were demanded by Messrs. Mahoney, McCoun and Rust, with the following result:

AYES.

Messrs. Day, Keene, Kendall, Mahoney, McCoun, McGarry, McNeil and Rust—8.

NOES.

Messrs. Burton, Crenshaw, Flint, French, Gove, Hall, Hawks, Hawthorne,

Heintzelman, Hook, Lippincott, Mandeville, May, Moore, Norman, Peck, Scellen and Stebbins—18.

Mr. McCoun moved to refer to the Judiciary Committee with instructions to report on Thursday next.

Mr. Stebbins moved the previous question.

Sustained.

The motion to refer to the Judiciary Committee was decided in the negative.

On the final passage of the bill the ayes and noes were demanded by Messrs. McCoun, Mahoney and French, with the following result:

AYES.

Messrs. Burton, Crenshaw, Flint, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Kendall, Lippincott, Mandeville, May, McFarland, Norman, Peck, Scellen and Stebbins—19.

NOES.

Messrs. Day, Keene, Mahoney, McCoun, McGarry, McNeil and Rust—7.

On motion of Mr. Hawks, Senate bill No. 97, entitled an Act to authorize the Board of Supervisors of San Francisco County to allow and settle the Claim arising out of the purchase of certain property in the said County known as the Laffau & Gillespie purchase, was taken up.

Amendment by the Committee concurred in.

Read a third time and passed.

Leave being granted, Mr. Rust introduced a bill entitled an Act to provide for reporting and publishing the decisions of the Supreme Court of the State of California.

Read a first and second time and referred to the Judiciary Committee.

Mr. McGarry presented the account of J. M. Sheppard.

Read and referred to the Committee on Contingent Expenses.

On motion of Mr. McCoun, Senate bill No. 100, entitled an Act to prohibit Public Gambling, was taken up and made the special order for Wednesday next, the 28th inst.

On motion of Mr. Scellen, the Senate adjourned until Monday next at 11 o'clock, A. M.

SAMUEL PURDY,

President of the Senate.

## IN SENATE.

MONDAY, March 26, 1855.

Senate met pursuant to adjournment.

On motion of Mr. Lippincott, Mr. McGarry was called to the Chair.

Prayer by the Rev. Mr. Pratt.

Mr. McFarland moved a call of the Senate.

Sustained.

The following Senators were found absent without leave:

Messrs. Colby, Day, Flint, French, Hawks, Heintzelman, Hook, Kendall, Mahoney, May, McCoun, Moore, Peck, Scellen, Tuttle and Whiting.

Mr. Burton moved that leave of absence be granted to Messrs. Scellen, Tuttle and Whiting.

Agreed to.

Mr. Hawthorne asked leave of absence for Mr. McCoun.

Agreed to.

Mr. Mandeville asked leave of absence for Mr. Kendall.

Agreed to.

Mr. Keene moved to adjourn.

Lost.

Mr. Colby appeared at the bar and was excused.

Mr. Colby moved that further proceedings under the call be dispensed with.

Lost.

Mr. Hall asked leave of absence for five minutes.

Granted.

Mr. Hook appeared at the bar and was excused.

Mr. Colby moved that further proceedings under the call be dispensed with.

Lost.

The Sergeant-at-Arms returned to the Senate and reported that owing to the absence of the Senators from the city he was unable to make any arrests.

Mr. Mandeville moved that all further proceedings under the call be dispensed with.

Agreed to.

On motion of Mr. Mandeville, the Senate adjourned until to-morrow, at 11 o'clock, A. M.

IN SENATE.

TUESDAY, March 27, 1855.

The Senate met pursuant to adjournment.

On motion of Mr. Stebbins, Mr. Burton was called to the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Mandeville presented, from citizens of San Joaquin County, a petition in favor of a Prohibitory Liquor Law.

On motion, it was referred to the Committee on Public Morals and Police.

Mr. Flint presented a petition from the citizens of San Francisco, asking for the passage of a Prohibitory Liquor Law.

On motion, it was referred to the Committee on Public Morals and Police.

Mr. Flint presented, from the Commissioners to the World's Fair at Paris, the following communication:

*To the Senate and House of Representatives of the State of California:*

The undersigned, Commissioners of California for the Paris Exhibition, respectfully represent:—

That they have taken pains to procure such specimens for the Exhibition as would best promote the interests of the State, by diffusing a knowledge of its resources, and thereby inviting capital and population and adding to the wealth and prosperity of California.

They have obtained a large number of specimens of auriferous quartz, from various localities; of cinnabar and other metallic ores; of coal; of salt; of agricultural products; and, also, fifty daguerrean views of the principal mining localities, and other objects of interest. Most of these the Commissioners have procured at their own expense.

To obtain the pictures, one of their number has purchased apparatus and traversed the State at his individual cost. To forward all these objects to Paris will cost from a thousand to fifteen hundred dollars.

The Commissioners having already incurred more than their share of the expenses, are not willing to have this additional burden. There would be as much justice in imposing it on a few individuals of the Legislature, or any private citizen that might be designated, as on the Commissioners; the object being of a general nature, and reflecting on the latter no advantages except in common with the people in general.

The articles in question should be shipped by the first of April in order to reach their destination in season, and very few of them will be sent if no means be provided for defraying the cost of transportation.

The Commissioners, therefore, lay the subject before the Legislature, hoping



that a small appropriation will be made for no other purpose, as they wish it distinctly understood that to pay the actual expenses of freight.

All of which is respectfully submitted.

By order of the Commissioners,

H. GIBBONS,

Chairman.

SAN FRANCISCO, March 19, 1855.

Referred to the Committee on Public Expenditures.

Mr. McGarry presented the following report:

*Mr. President:*

The undersigned, to whom was referred Assembly bill No. 204, An Act to change the time of holding the different Courts authorized to be held by the County Judge in the County of Yuba, have had the same under consideration, report it back without amendment, and recommend its passage.

EDW. MCGARRY.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly passed, on the 21st inst., Assembly bill No. 297, An Act to legalize the acts of the County Recorder of the County of San Diego while acting as County Auditor, since the third day of May 1852.

Also passed on 21st inst., Assembly bill No. 298, An Act to amend an Act entitled an Act to create a Board of Supervisors for the County of San Diego, and to define their duties, approved May 3, 1852.

Also passed on 24th inst., Assembly bill No. 322, An Act to amend an Act entitled an Act to create a Board of Supervisors in Counties of the State, and to define their duties and powers, passed March 20, 1853.

Also passed Assembly Joint Resolution No. 5, relative to the establishing of Mail Routes in Elkhart and Siskiyou Counties.

Also passed on the 26th inst., Assembly bill No. 62, An Act to prohibit the Sale and Manufacture of spirituous and Intoxicating Liquors.

Also passed on the 26th inst., Senate bill No. 77, An Act appropriating money for the payment of Frank Denver for services rendered in making repairs on State Capitol.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 62, An Act to prohibit the Sale and Manufacture of Spirituous and Intoxicating Liquors.

Read a first and second time and referred to the Committee on Public Morals and Police.

Assembly bill No. 322, entitled an Act to amend an Act entitled an Act to

create a Board of Supervisors in the Counties in this State, and to define their duties and powers, passed March 20, 1855.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 298, entitled an Act to amend an Act to create a Board of Supervisors for the County of San Diego, and to define their duties, approved May 3, 1852.

Read a first and second time and referred to the Senator from San Diego.

Assembly bill No. 297, entitled an Act to legalize the acts of the County Recorder of San Diego, while acting as County Auditor, since the third day of May, 1852.

Read a first and second time and referred to the Senator from San Diego.

Joint Resolution No. 5, relative to the establishing of Mail Routes in Klamath and Siskiyou Counties.

Read a first and second time and referred to the Senator from Trinity.

Mr. Crenshaw introduced a bill entitled an Act to legalize certain Records in Nevada County.

On motion, was referred to the Nevada Delegation.

Mr. McFarland moved to take up substitute bill No. 153, on State Marine Hospital.

Agreed to.

After some discussion spent thereon,

Mr. McFarland moved that the same be laid on the table.

Agreed to.

On motion of Mr. Tuttle, the following report of the Judiciary Committee was taken up:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 8, entitled an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, and have directed me to report the same back, with amendments, recommending its passage as amended.

R. T. SPRAGUE,

Chairman.

The bill was then taken up.

Amendments proposed by the Committee adopted.

Bill read a third time and passed.

Mr. May moved to take up Assembly resolution relative to payment of Pensions.

Agreed to.

Resolution read a third time and passed.

According to previous notice, Mr. Hall introduced a bill entitled an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1854.

Read a first and second time and referred to the Judiciary Committee.

According to previous notice, Mr. Crenshaw introduced a bill entitled an Act supplementary to an Act entitled an Act concerning Public Ferries and Toll-Bridges, passed May 15, 1854.

Read a first and second time, and,

On motion, referred to the Judiciary Committee.

According to previous notice, Mr. Lippincott introduced a bill entitled an

Act to fix the time certain Officers of Yreka County shall enter upon the duties of their Offices.

Read a first and second time, and,

On motion, referred to the Judiciary Committee.

On motion of Mr. Whiting, the following report from the Select Committee on Assembly bill No. 137, was taken up.

*Mr. President :*

The Select Committee, to whom was referred Assembly bill No. 137, together with the accounts of Abram T. Melvin and others, have examined the same, and have instructed me to report three separate bills as substitutes for the Assembly bill, and to recommend that they be passed respectively.

B. C. WHITING,

Chairman.

The substitutes recommended by the Committee were severally considered.

Read first, second and third time and passed.

Mr. Gove presented the following report from the Sacramento Delegation:

*Mr. President:*

The Sacramento Delegation, to whom was referred Senate bill No. 150, An Act to amend and supplementary to an Act to Incorporate the City of Sacramento, passed March, 1851, have had the same under consideration, and return the same back to the Senate and recommend its passage.

All of which is respectfully submitted,

A. S. GOVE,

Chairman.

On motion of Mr. Gove, the usual number of copies were ordered printed.

On motion of Mr. Leake, the bill was made the special order for to-morrow.

On motion of Mr. McGarry, Assembly bill No. 97, entitled an Act to amend an Act entitled an Act to amend an Act dividing the State into Counties and establishing Seats of Justice therein, passed April 25, 1851, was taken up.

Read third time and passed.

On motion of Mr. Leake, Assembly bill No. 56, entitled an Act to authorize the Controller of State to issue a Duplicate Warrant to S. H. Marlette, was taken up.

Read third time and passed.

On motion of Mr. McGarry, the account of Messrs. Harrison & Springer for copies of the El Dorado News, furnished to the Senate last year, was ordered paid.

Mr. Crenshaw gave notice that, at an early day, he will introduce a bill to authorize the Board of Supervisors of Nevada County to issue certain Bonds.

Also, a bill to amend an Act entitled an Act to regulate the settlement of the Estates of deceased persons.

Mr. Hawthorne gave notice that he will, at an early day, introduce a bill to legalize certain Acts of the Courts of Sessions in this State.

Mr. Whiting presented the following report:

*Mr. President :*

The Committee on Corporations have considered Senate bill No. 139, entitled an Act to amend Section Forty-Nine of an Act entitled an Act for the Incorporation of Railroad Companies, passed April 22, 1853, and report the same back for the consideration of the Senate.

B. C. WHITING,  
Chairman.

Mr. Hook presented the following report:

*Mr. President :*

The Committee on Mines and Mining Interests, to whom was referred Assembly bill for an Act amendatory of an Act to provide for the protection of Foreigners, and to define their liabilities and privileges, instruct me to report that the bill proposed to be amended already adequately provides for the object of the bill under consideration, and recommend its indefinite postponement.

G. W. HOOK,  
Chairman.

Mr. Keene submitted the following:

*Resolved*, That the Secretary of the Senate be and he is hereby directed to make up and cause to be printed, 140 copies of the unfinished business of the Senate, as promptly as possible, for the use of the Senate.

Adopted.

According to previous notice, Mr. Rust introduced a bill for an Act to prevent the counterfeiting of gold dust and other species of uncoined gold.

Read a first and second time and referred to the Committee on Mines and Mining Interest.

On motion of Mr. Day, the Senate took up Senate bill No. 123, entitled an Act for the Relief of the State Agricultural Society.

Mr. Mandeville moved that the bill be referred to the Committee on Claims.

Upon which the ayes and noes were demanded by Messrs. Mandeville, Leake and Norman, with the following result:

AYES.

Messrs. Crenshaw, Hawthorne, Hook, Kendall, Leake, Mandeville, McCoun, McFarland, McNeil, Norman, Peck, Rust and Tuttle—13.



## NOES.

Messrs. Burton, Colby, Day, Gove, Hall, Keene, Lippincott, May, McGarry and Whiting—10.

So the bill was referred.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly, on Saturday the 24th inst., having amended the amendments made by the Senate to Assembly bill No. 38, An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 15, 1854, concurred in the same, and respectfully request the concurrence of the Senate.

J. W. SCOPY.

Assistant Clerk of Assembly.

Mr. Whiting moved that the Senate non-concur in Assembly amendments.  
Agreed to.

Mr. Lippincott moved that a Committee of free Conference be appointed on the part of the Senate.

Agreed to.

The Chair appointed as such Committee, Messrs. Lippincott, Whiting and McGarry.

Leave being granted, Mr. Rust introduced a bill for the Relief of R. G. Crozier.

Read a first and second time and referred to the Committee on Claims.

On motion of Mr. Keene, Senate bill No. 140, entitled an Act to authorize the construction of a Wagon Road from the Sacramento Valley to the Eastern Boundary of the State of California, was taken from the table, ordered printed and referred to the Committee on Roads and Highways.

Senate bill No. 47, entitled an Act to transfer certain moneys from the Sinking Fund and Interest Funds to the General Fund.

Read second time and referred to a Committee of three, consisting of Messrs. Tuttle, Keene and Mandeville.

Senate bill No. 105, entitled an Act to amend an Act defining the time for commencing Civil Actions, passed April 22, 1850.

Taken up, read a second time, and referred to the Judiciary Committee.

Senate bill No. 50, entitled an Act amendatory of and supplementary to an Act amendatory of and supplementary to an Act entitled an Act concerning Courts of Justice in this State and Judicial Officers.

Taken up, and,

On motion, was laid on the table.

Mr. Flint moved to take up Senate bill No. 80, entitled an Act to amend an Act to provide for the formation of Corporations for certain purposes, passed April 14, 1853.

Lost.

Proposed amendments to the Constitution of the State of California, by Mr. French.

Taken up, and,

On motion of Mr. Kendall, were laid on the table.

Assembly bill No. 17, entitled an Act prescribing the manner of Electing United States Senators.

Taken up and considered.

Mr. Colby moved that the usual number of copies be ordered printed.

Lost.

Mr. Whiting moved to make it the special order for Thursday next, 29th inst.

Lost.

Mr. Flint moved to indefinitely postpone the further consideration of the bill.

Upon which the ayes and noes were demanded by Messrs. Flint, Crenshaw and Leake, with the following result:

AYES.

Messrs. Colby, Flint, Hall, Lippincott and McCoun—5.

NOES.

Messrs. Burton, Crenshaw, Gove, Hawthorne, Hook, Keene, Kendall, Leake, Mandeville, May, McFarland, McGarry, McNeil, Norman, Peck, Rust, Tuttle and Whiting—18.

So the motion to indefinitely postpone was lost.

Mr. Lippincott moved to lay the bill on the table and make it the special order for the third day of April next.

Lost.

Mr. Flint moved that the Senate adjourn.

Upon which the ayes and noes were demanded by Messrs. Leake, Hook and Mandeville, with the following result:

AYES.

Messrs. Burton, Colby, Flint, Hall, Hawthorne, Keene, Lippincott, May, McCoun, McGarry, Rust, Stebbius and Whiting—13.

NOES.

Messrs. Crenshaw, Day, Gove, Hook, Kendall, Leake, Mandeville, McFarland, McNeil, Norman, Peck and Tuttle—12.

So the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

## IN SENATE.

WEDNESDAY, March 28, 1855.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. Mandeville presented the following report:

*Mr. President:*

The Committee on Roads and Highways, to whom was referred Senate bill No. 131, An Act for the construction of a Toll-Bridge across the Middle Yuba River, report the same back to the Senate for its consideration.

J. W. MANDEVILLE.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed An Act to authorize the Controller of State to issue a Duplicate Warrant to S. H. Marlette.

G. W. COLBY,  
Chairman.

Mr. Flint presented the following minority report from the Select Committee to whom was referred the memorial of the citizens of Shasta with regard to the removal of the Chinese from the mines:

*Mr. President:*

The undersigned, one of your Committee to whom was referred the memorial of the citizens of Shasta with regard to the removal of the Chinese from the mines, begs most respectfully to state that he differs materially with other members of the Committee, and would report:

First. That the Chinese have been allowed to domicile within the State by implied legislation, and to become proprietors of gold mining claims.

Second. That the said people can have no affinity with our customs and laws, as they are governed by "secret societies," and in a language scarcely known to our citizens.

Third. That it is the duty and proud boast of a republican government to elevate its people, and to properly fortify their destiny, and that it is more in consonance with the spirit of liberty to become a propagandist abroad, than to bring upon its own hearthstone a counteracting barbarianism.

Fourth. That the evils growing out of having so many persons of this class

living amongst us without laws more clearly defining their rights and privileges, are of great magnitude, and surrounded with so many difficulties that the subject requires grave consideration, and, that while it may be the right of the State to expel from its borders all persons not eligible to its citizenship, common humanity demands that due regard be had to the claims of persons who are called upon to legislate out of the borders of our State, most especially when they obtained an ingress unprotected.

Estimating the number of Chinese in the State at fifty thousand, it will be seen that to remove them from the State to their native shores would require two hundred vessels, carrying two hundred and fifty persons each. Five vessels per month is as many as could be reasonably got into the trade, the inducement to make a voyage to China having ceased, as vessels would have to return in ballast, and no freights being carried either way, the price of passage would necessarily be increased beyond the reach of the indigent. Five vessels per month, would carry monthly twelve hundred and fifty persons, or twelve thousand and five hundred per year, thus taking a period of four years to remove the entire number in vessels.

That they should be prohibited from mining is demanded for various reasons, the most prominent of which are, that they are committing irreparable waste by impoverishing many localities of those golden treasures which are the inducements to our free brethren of the Atlantic States and Europe to make this their future home; that labor has ever been regarded as capital, and the wise legislator will rather propose modes for its economical distribution, than surround it with exactions, tending to defeat the peaceful pursuits of life, which only flourish by patient industry.

Taking the number of Chinese in the State at fifty thousand, the daily profit on their labor as affecting American interests, may be set down at twenty-five cents each, or twelve thousand five hundred dollars per day, and with three hundred working days in the year, we have a total of three million seven hundred and fifty thousand dollars, being the interest at ten per cent. per annum on a capital of thirty-seven million five hundred thousand dollars. Can the labor representing a capital of so vast an amount be suddenly withdrawn without causing serious embarrassments in every department of industrial life? Particularly when the daily expenditure from this source, in the way of steamboat passage, stage fare, freight, rents, provisions, tools and merchandise, will foot up and average of one dollar per day, or a total of fourteen million six hundred thousand dollars per annum. Policy dictates that this labor should not be employed in mining, yet there are auxiliary interests, such as canals, tunnels, wagon and railroads, on which it could be advantageously used, as by a cheap and certain labor, vast watercourses would find their way along the sides of mountains and into great vallies, rich with mineral wealth, now untouched, thereby leaving to the citizen miner the more profitable occupation of gathering the golden harvest laid open to his grasp, than by leaving it to be taken by a less favored people, who are incapable of sharing equal privileges and responsibilities.

In McCullough's Universal Gazetteer, the testimony of Mr. Davis makes the Chinese to appear "a nation of incurable conservatives." Their rule is to adhere to all that is established, and reject all that is new. They are the very transcript of the ancient world living in the present day; they wear the same costume, are subject to the same laws, which are administered precisely in the same way, and they exist, to all intents and purposes, in the same social and intellectual condition as their forefathers did 2000 years ago. This uniformity may be almost said to have been ordained by nature, for it is a remarkable fact that the Chinese are so much like each other in personal appearance, that it is



difficult for an European to distinguish between them. Mr. Davis further states "the advantageous features of their characters, as mildness, docility, industry, peacableness, subordination, and respect for the aged, are accompanied by the vices of specious insincerity, falsehood, mutual distrust and jealousy." Of their public works the same authority affirms "an amount of human labor, probably unmatched by any other nation in the world, (except ancient Egypt), has been expended on the public works of China, by which the natural aspect of the country has been materially varied."

After having described the great Chinese wall, and numerous lengthy canals, Barrow states "in the public roads, and where rugged steepes are only accessible by means of laboriously-formed passes, Chinese industry is fully apparent. Three mountain paths traverse the Nan-ling; one north of Canton, is estimated by Sir G. Stanton to rise 8000 feet above the sea; yet vast quantities of goods are conveyed over this pass from Canton to the interior, by coolies or porters.

The obstacles to communication presented by the Pa-ling and Ta-pa-ling ranges, are greatly diminished by an artificial road, sometimes conducted over yawning cliffs, by arches; in other places, deeply cut through high mountains, and extending for 150 miles. In short, wherever intercourse is expedient between any two parts of China, no natural impediment are too gigantic, no labor or expense too great to overcome them." I appeal to the reflecting men of California not to drive out of our borders this mighty labor power. Is it not better, with modern skill in engineering, to put tools into these fifty thousand pairs of willing hands, and in place of *trickling ditches*, have torrents rushing along to make the miners glad and people rich.

The Mormons of Utah have sent emissaries to China to encourage these people to emigrate to their New Jerusalem, and the gold fields of the eastern slope of the mountains dividing California from that territory are already attracting attention, and should this State adopt a system of persecution, the spectacle might be presented of these barbarians taking up their line of march over our snowy sierras, to share the hospitality of a people but too ready to receive them. Utah, with her new and strange doctrines, presents an ugly barrier between California and the Atlantic States.

Viewing the employment of the Chinese in the mines as of temporary expediency, the undersigned would further suggest, that the State is proprietor of millions of acres of alluvial lands, partially overflowed during the spring floods, and which can be cheaply reclaimed. These lands are unsurpassingly fertile, being the washings of the mountains through many ages, and, for the culture of sugar, cotton and rice, have no equal in the world. Sugar, requiring for its more perfect maturity a warm, moist, rich soil, would find, in our reclaimed tule lands, an atmosphere peculiarly adapted to its luxuriance; and the early period at which it would commence to grow in the spring, together with the total absence of rain during the time of its secretions of saccharine matter, will obviate the danger which attends its culture in rainy countries, where whole crops are often ruined by incorporating water, in long storms, succeeded by sultry weather, causing fermentation to take place, not only whilst standing in the field, but when undergoing process of manufacture. Experience demonstrates, in all sugar growing countries, that the seasons which are dry during the latter part of the maturity of the crop, are those in which the most productive one is harvested, not only of quantity, but also of superior quality. Instead of being an importer, our State should raise a home supply of sugar and molasses, and become, in time, a large exporter. The value of sugars consumed by California, and the trade dependant upon her for supplies, amounts to many millions of dollars yearly.

The growing of cotton has been already experimented upon by one of our

eminent citizens, with the most gratifying success; and it has been found that the absence of rains, (which, in the Atlantic States, often produces mildew,) and the worm, renders this climate peculiarly favorable for the growth of this article, now become one of the first necessities of the commercial world. From the first opening of the bolls in June, through upwards of five months of picking season, uninterrupted by rain, it will be seen that we can defy competition in the production of this great staple; for, while, from the peculiarity of our soil, the plant never would suffer by drought, the uninterrupted fair weather will afford opportunities for picking, drying and baling, not possessed by any other cotton growing country. Add to this the fact that navigable streams meander through every portion of these lands, thus presenting facilities for cheap and expeditious shipment.

Glancing from her sierras, beneath which lie buried stores of gold, outrivaling fabled Ophir, the eye may yet look down upon the bosom of broad valleys, reflecting, amid the din of busy husbandry, a whiteness vying in its purity with the peaks of her eternal snow-clad mountains. No country in the world presents so successful a field for rice culture, and our State should long since have raised, not only for her own supply, but largely for export. Objections will be urged against the employment of large numbers of Chinese in these pursuits, and the stereotyped cry of "monopoly," which is always in the mouths of demagogues, has already been sounded. Reflection shows that the only successful monopolist under our institutions is he who possesses talent, worth, genius, enterprise, fortitude and industry. And shall the drones of society cast their lethargic chains over the limbs of the restless, and force upon them a midday siesta? Even now, while "commerce is king," the loom, the anvil, and the sturdy locomotive are, by the instantaneous language of the electric spark, answering to each other all over the world, telling us of the mighty things labor is doing.

Whilst viewing it as against the true policy of the State to drive out any species of labor, the undersigned would further suggest that, in his opinion, a heavy commutation tax would not afford the remedy desired, the present law upon the subject of immigration being vague and indefinite. Older States, with the experience of three-quarters of a century, have found this subject one presenting the greatest difficulties to special legislation, and the tax there imposed has been paid, rather as a charity than a constitutional enforcement.

In legislating upon the Chinese question, we must have due regard to national treaties. The treaty between the United States and China, ratified December 31, 1845, provides, by article first, "There shall be a perfect and lasting peace, and a sincere and cordial amity between the United States of America on the one part, and the Ta Tsing Empire on the other part, and between their people respectively, without exception of persons or places." Article fifteen is worthy of especial notice: "The former limitation of the trade of foreign nations to certain persons, appointed at Canton by the Government, and commonly called hong-merchants, having been abolished, citizens of the United States, engaged in the purchase or sale of goods, of import or export, are admitted to trade with any and all subjects of China, without distinction. They shall not be subject to any new limitations, nor impeded in their business by monopolies or other injurious restrictions.

Article eighteen: "Citizens of the United States, their vessels and property, shall not be subject to any embargo; nor shall they be seized or forcibly detained for any pretence of the public service; but they shall be suffered to prosecute their commerce in quiet, and without molestation or embarrassment."

Article thirty-four: "When the present convention shall have been definitively concluded, it shall be obligatory on both powers, and its provisions shall

not be altered without grave cause; but, inasmuch as the circumstances of the several ports of China open to foreign commerce are different, experience may show that inconsiderable modifications are requisite in those parts which relate to commerce and navigation; in which case the two Governments will, at the expiration of twelve years from the date of said convention, treat amicably concerning the same, by the means of suitable persons appointed to conduct such negotiation: and, when ratified, this treaty shall be faithfully observed, in all its parts, by the United States and China, and by every citizen and subject of each; and no individual State of the United States can appoint or send a minister to China to call in question the provisions of the same."

Other portions of the treaty relate to the regulation of trade, hospitals, cemeteries, and intercourse between citizens of the United States and subjects of China. Regarding the treaty as a whole, it must be admitted that it grants concessions and privileges to the United States not equaled by our treaties with the most civilized nations. In every line we discover a liberality and unsuspecting confidence on the part of the Chinese Government, which, while conferring upon us everything asked for, fails to impose any conditions favorable to its own subjects, leaving it rather to the magnanimity of our people and the well known tolerant spirit of our institutions to give them those rights it is our boast to offer to all the world.

The undersigned would further suggest that a law should be passed to break up the "Triad Society," which already has become so numerous as to be a source of oppression to the more wretched of the Chinese. Their ramifications extend throughout the State: their edicts are enforced with a secret power only equaled by the remorseless cruelties inflicted on a disobeying member; and, to this end, they should not be allowed proprietorship of mineral or other lands. This would place them more immediately under the supervision of our own people.

All of which is respectfully submitted,

WILSON FLINT.

On motion of Mr. Mandeville, the usual number of copies of the report were ordered printed.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly passed, this day, Assembly Concurrent Resolution in relation to the appointment of a Committee on the part of the Assembly and Senate to proceed immediately to San Francisco, to provide for the temporary care of the indigent sick now remaining in the State Marine Hospital; and I am directed to request, most respectfully, the immediate action of the Senate in the matter.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Kendall moved the adoption of the Assembly Concurrent Resolution.

Mr. French moved to amend by inserting after the word "State" the words "not to exceed thirty days."

Adopted.

Mr. Tuttle offered the following proviso:

*Provided*, that the Committee make no arrangements for the admission of new patients.

Adopted.

Mr. Stebbins submitted the following additional proviso:

*Provided, further*, that the Committee receive no compensation therefor.

Adopted.

Mr. Lippincott moved to re-consider the vote just taken.

Upon which the ayes and noes were demanded by Messrs. Colby, Whiting and Lippincott, with the following result:

AYES.

Messrs. Colby, Flint, Gove, Hall, Hawthorne, Hook, Keene, Kendall, Lippincott, May, McCoun, McNeil, Moore, Norman, Tuttle and Whiting—16.

NOES.

Messrs. Burton, Crenshaw, French, Leake, Mandeville, McGarry, Peck, Rust, Scellen and Stebbins—10.

The question then recurred upon the adoption of the proviso offered by Mr. Stebbins.

Upon which the ayes and noes were demanded by Messrs. Stebbins, Kendall and Whiting, with the following result:

AYES.

Messrs. Burton, Leake, Mandeville, May, McGarry, Peck and Stebbins—7.

NOES.

Messrs. Colby, Crenshaw, Flint, French, Gove, Hall, Hawthorne, Hook, Keene, Kendall, Lippincott, McCoun, McNeil, Moore, Norman, Rust, Scellen, Tuttle and Whiting—19.

So the proviso was lost.

On the passage of the Concurrent Resolution, as amended, the ayes and noes were demanded by Messrs. Leake, Kendall and Keene, with the following result:



## AYES.

Messrs. Colby, Crenshaw, Flint, French, Gove, Hall, Hawthorne, Kendall, Lippincott, Mandeville, May, McGarry, McNeil, Moore, Norman, Peck, Rust, Scellen, Tuttle and Whiting—20.

## NOES.

Messrs. Burton, Hook, Keene, Leake and Stebbins—5.

Mr. Burton presented the following report:

*Mr. President:*

The Nevada Delegation, to whom was referred Senate bill No. 156, An Act to legalize certain records in the County of Nevada, have had the same under consideration, beg to report the same back, without amendment, and recommend its passage.

E. V. BURTON,  
Chairman.

The bill was then taken up, read a third time and passed.

Mr. Kendall submitted a report of the Select Committee on State Library. Laid on the table and the usual number of copies ordered printed.

Mr. Norman presented the following report:

*Mr. President:*

The Committee on Enrollment have examined and find correctly enrolled, An Act to authorize Cruthers & Stewart to use the waters of Stanislaus River for Manufacturing purposes.

Also, An Act appropriating money to pay Louis Bartlett for services rendered the State.

Also, An Act concerning the County Records of Los Angeles County.

Also, An Act authorizing the Governor of this State to transmit to the Secretary of War at Washington City a statement in relation to the War Debt of California.

W. B. NORMAN,  
Chairman.

Mr. Norman presented the following report :

*Mr. President :*

The Committee on Enrollment have this day presented to the Governor for his signature, the following Acts:

An Act to authorize Cruthers & Stewart to use the waters of the Stanislaus River for Manufacturing purposes.

An Act appropriating money to pay Louis Bartlett for services rendered the State.

An Act concerning the County Records of Los Angeles County.

An Act authorizing the Governor of this State to transmit to the Secretary of War at Washington City a statement in relation to the War Debt of California.

W. B. NORMAN,

Chairman.

On motion of Mr. Mandeville, the special order of the day, Senate bill No. 150, entitled an Act to amend and supplementary to an Act entitled an Act to Incorporate the City of Sacramento, passed March, 1851, was taken up.

The Senate then proceeded, as in Committee of the Whole, to the consideration of the same.

After some time spent therein, the Committee rose, reported the bill back, recommending the passage of the same as amended.

Mr. Leake moved an amendment to the fifth section by striking out the words "final and" in the seventh line.

Upon which the ayes and noes were demanded by Messrs. Leake, French and Keene, with the following result :

AYES.

Messrs. French, Leake, Mandeville, McGarry, Norman, Peck and Rust—7.

NOES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Gove, Hall, Hawthorne, Hook, Keene, Lippincott, May, McNeil, Scellen, Tuttle and Whiting—16.

So the amendment was lost.

Mr. May offered an amendment to section eleven, by striking out in the first and second lines, the words "who shall be empowered and."

Lost.

Mr. Rust moved to consider the bill engrossed, read a third time and passed.

Upon which the ayes and noes were demanded by Messrs. Leake, Mandeville and French, with the following result:

AYES

Messrs. Burton, Colby, Crenshaw, Day, Flint, French, Gove, Hall, Hawthorne, Hook, Keene, Lippincott, May, McNeil, Rust, Scellen, Stebbins, Tuttle and Whiting—19.

NOES.

Messrs. Leake, Mandeville, McGarry, Norman and Peck—5.

So the bill was passed.

Mr. McFarland submitted the following report from the Committee on State Marine Hospital and State Insane Asylum:

*Mr. President :*

The Committee who were appointed to visit the State Marine Hospital and the Insane Asylum, ask leave to submit the following report as the result of their investigation:

After the most rigid examination of the State Marine Hospital, we find the medical department conducted in accordance with the law creating the institution. The physicians have discharged their professional duties with great skill and humanity, calculated to reflect credit alike upon themselves, as well as upon the profession to which they belong. We have great confidence in the professional ability of the physicians, and believe that the State could not have placed this important charge in more able or competent hands. While we have every reason to be gratified with the medical department, we regret being under the necessity of reporting that there has been a sad waste and misapplication of the funds appropriated by the munificence of the State for this charitable purpose. In June, 1853, the State, in her generosity, set apart one hundred thousand dollars per year for the support and maintenance of the indigent sick, to be provided for in the State Marine Hospital. That institution has now been in operation a little more than a year and a half, at a total cost of near three hundred and fifty thousand dollars, of which amount about one hundred and fifty thousand dollars remain unpaid at this date.

It is but just to remark that the Trustees informed us that, had the one hundred thousand dollars been paid by the State in cash instead of State warrants, which were disposed of at a great sacrifice, it would have been ample for all the wants of the Institution. However this may have been, it will be seen that large amounts of this appropriation have been absorbed in the payment of high salaries to an extensive train of officials—some of them entirely unnecessary—and in the payment of enormous rents for buildings, and furnishing the same on a scale more extravagant than the appropriation would justify or the necessities of the inmates demanded. Thus the revenue afforded by the munificence of the State has been diverted from its legitimate purpose, and the means which were intended solely for the benefit and support of the indigent sick, have been, in part, applied to other objects. We will here point to one instance only: namely, the rent paid for the building occupied as the State Marine Hospital. Fourteen hundred and seventy dollars per month is paid for this building, (agreeably to the lease, a copy of which is herewith submitted) six months in advance. We have unimpeachable testimony before us that the same premises were offered to other parties, within thirty days of the time when the Trustees rented it, for a monthly rent of four hundred dollars. It may not be out of place to remark that, according to the lease, the State is bound to pay the regular rents as they fall due, on these premises, until the expiration of the lease, which takes place in November next; and, also, when the buildings are vacated, the Trustees have obligated the State to put the premises in like condition as they were when rented.

It appears, from the vouchers on file in the Treasurer's office, that the expenditures, from the first of January, 1854, to the first of March, 1855, amount to \$136,772 45, as follows:

Wages and Labor,	-	-	-	-	-	-	\$24 689 49
Physicians' Salaries,	-	-	-	-	-	-	25,396 36
Trustees of Office,	-	-	-	-	-	-	4,476 60

Treasurer's Office, - - - - -	2,713 00
To Lawyers, - - - - -	1,490 00
State Marine Hospital, - - - - -	78,037 00
	<hr/>
	\$136,772 45

This amount has been paid by the Treasurer. There remains, unpaid and now outstanding against the Hospital, near one hundred and fifty thousand dollars, for the payment of which some provision should be made by the Legislature.

By the kindness of the Resident Physicians we were furnished with a report, setting forth the number of patients in the Hospital, and the number that will be a permanent charge to the State, and for whom some provision must be speedily made. The whole number of patients at present in the Hospital is 251:

Of these, the commutation patients number - - - - -	72
State patients, - - - - -	83
City patients, - - - - -	96
	<hr/>
Total, - - - - -	251
Number of commutation patients who are likely to recover soon, - - - - -	47
Number who are likely to remain permanently, - - - - -	25
	<hr/>
Total, - - - - -	72
Number of State patients who are likely to recover, - - - - -	61
Number who will permanently remain, - - - - -	22
	<hr/>
Total, - - - - -	83
Number of State and commutation patients subjects for an Almshouse, - - - - -	47

It will be seen that out of the two hundred and fifty-one patients now in the Hospital, forty-seven will likely be a permanent charge on the State, and are regarded by the Resident Physicians as being fit subjects for an Almshouse. It will be incumbent upon the Legislature to make some suitable provisions for these poor unfortunate persons, who are unable to provide and obtain a subsistence for themselves. It is believed that many of them, under the supervision of suitable directors, could earn a subsistence and provide amply for their own support. As a system of poor laws has been provided by this Legislature for the various counties of the State, by which each county hereafter will be enabled to provide for its own indigent sick, it might be the best policy for the State to remand (after the abolition of the Hospital) to their respective counties, all of the persons now in the Hospital who will be a permanent charge upon the State, and are fit subjects for an Almshouse. It is believed that the cost of sending each person to the county from whence he came will be much less than for the State to make, from year to year, provisions for their proper care and maintenance. When once returned to their respective counties, they will receive the same care and attention from the Supervisors as other indigent sick of the county.

Your Committee would earnestly urge upon the Legislature the necessity of making some immediate provision for the State patients now in the Hospital.



The law abolishing the Hospital takes effect on the first day of April, and if some provision be not speedily made, the inmates will be thrown upon the charity of the city, or into the streets in a helpless and unprovided condition. The Common Council of San Francisco has a deputation now waiting upon the Legislature, to ascertain what provisions they intend making for the State sick in the Hospital. They are anxious to act in concert with the State in making some suitable provisions for the sick now in the Hospital.

Your Committee think it would be asking too much of San Francisco to provide for the indigent sick of the State in addition to their own sick, and that, too, without compensation.

Every consideration of humanity, not to say anything of its justice, requires that some effectual and speedy provisions be made for the sick until the Legislature shall make some permanent arrangement for the care of those who will remain a charge on the charity of the State.

Your Committee visited the Insane Asylum at Stockton, and investigated with care the mode in which it was managed and conducted. We are satisfied from the great interest manifested in the welfare of the Institution by the officers in charge, that they fully appreciate the responsibility resting upon them, and that every exertion is made to carry out and forward the design contemplated in its creation.

The resident and visiting physicians are unremitting in their attentions in relieving the wants and giving proper care and treatment to the unfortunate inmates. We have reason to commend both the skill of the physicians and the admirable financial arrangement of the Asylum.

Every department of the Institution is conducted on a plan that would do credit to any similar Institution in any of the older States. The building is constructed with a view to the convenience and comfort of the inmates, without any undue extravagance. The present building, a full description of which can be seen in the annual report of the Trustees, is ample for all the present wants in accommodating patients; but the Trustees contemplate, when the finances of the State are in a more prosperous condition, a further appropriation for completing the remaining portion of the building. Belonging and contiguous to the Asylum, is about one hundred acres of land, surrounded by a substantial fence, which, with proper care and cultivation, will supply, at no distant day, an abundance of domestic products for the use of the Institution, and will also be of incalculable benefit to the convalescing patients, by giving them room for proper exercise, and an opportunity to employ themselves in the tillage of the soil, which, in similar institutions, has resulted in great good in restoring the invalids to health.

Your Committee would recommend an appropriation sufficient to build a bath house, store room, and a dining room for the inmates. These buildings are absolutely necessary for the comfort and proper treatment of the invalids, and will add greatly to the general convenience of the Institution. No other improvements are necessarily demanded and called for at this present time. The estimated cost of this building is about \$100,000.

An appropriation is also required of from three to five thousand dollars, to furnish the main or center building, which was erected during the past year, and is as yet unfurnished.

This, with fifty thousand dollars for the current expenses, is all that is required for conducting properly the affairs of the Asylum for the coming year.

J. P. McFARLAND,  
Chairman.

On motion, the usual number of copies were ordered printed.

On motion of Mr. Crenshaw, the Senate took up Senate bill No. 29, entitled an Act amendatory of an Act entitled an Act concerning passengers arriving in ports of California, passed May 3, 1852.

On motion was referred to a Select Committee of three.

The Chair appointed Messrs. Crenshaw, Leake and Hawthorne as such Committee.

Mr. Moore presented, from citizens of San Francisco, a petition in favor of a bill for funding the indebtedness of the City of San Francisco.

On motion was referred to the Delegation from San Francisco.

Mr. Keene presented the following report:

*Mr. President:*

The Committee of Conference on the disagreeing vote of the two Houses upon the bill to provide for the Indigent Sick in the Counties of this State, have had the same under consideration, and report that they have been unable to agree.

B. F. KEENE,  
E. J. MOORE,  
WILSON JONES,  
GEO. P. JOHNSTON.

Mr. Keene moved that the Committee be discharged.

Agreed to.

Mr. Keene moved to appoint a new Committee and request the Assembly to appoint a corresponding Committee.

Agreed to.

The Chair appointed Messrs. Kendall and Day as such Committee.

Mr. Kendall introduced Senate bill No. 160, entitled an Act to provide for the purchase of the San Francisco Law Library for the use of the State.

Read first and second time and referred to the Committee on Public Expenditures.

On motion, the Senate took up Senate bill for the Election of United States Senators.

Mr. McCoun moved a call of the Senate.

Lost.

The bill was then read a third time and passed.

The hour for the special order having arrived, the Senate, as in Committee of the Whole, proceeded to the consideration of Senate bill No. 149, entitled an Act to prohibit Gambling.

On motion of Mr. McCoun, the amendments were concurred in.

Committee rose and reported the bill back to the Senate.

Mr. McNeil moved to strike out the word "Public" wherever it occurs in the first section.

Upon which the ayes and noes were demanded by Messrs. McNeil, Mandeville and Day, with the following result:

AYES.

Messrs. Burton, Day, Leake, Mandeville, McGarry, McNeil, Peck and Tuttle—8.

## NOES.

Messrs. Crenshaw, Flint, French, Gove, Hall, Hawthorne, Hook, Kendall, Keene, Lippincott, May, McCoun, Norman, Rust, Seellen and Whiting—16.

Mr. McCoun offered the following additional section:

Section 7. Nothing in this Act shall be so construed as to apply to any game at billiards or ten-pins.

Adopted.

Mr. Keene moved that the bill be considered as engrossed, read a third time and passed.

Carried.

Mr. Lippincott submitted the following report from the Committee on Conference:

*Mr. President:*

The Committee of Conference of the Senate and Assembly have carefully examined Assembly bill No. 35, with the disagreeing votes and amendments referred to them for consideration, and report the same back with the following substitute for section two, and recommend that the Senate and Assembly concur with the Committee and adopt the substitute:

Section 7. The Governor shall appoint and commission some competent person in each of the said Thirteenth, Fourteenth and Fifteenth Districts, who shall hold their offices respectively until the next general election, when Judges shall be elected by the qualified voters of the respective Districts, and until the said Judges thus elected shall be qualified. The salaries of the Judges appointed according to the provisions of this Act, shall be as follows: In the Thirteenth District, at the rate of four thousand dollars per annum. In the Fourteenth and Fifteenth Districts, six thousand dollars per annum, to be paid as other District Judges are. This Act shall take effect from and after its passage.

C. E. LIPPINCOTT,  
B. C. WHITING,  
EDW. MCGARRY,

Senate.

T. C. FLOURNOY,  
E. J. WAITE,  
E. A. STEVENSON,

Assembly.

Concurred in.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment find correctly engrossed a bill for an Act to

amend and supplementary to an Act entitled an Act to Incorporate the City of Sacramento, passed March, 1851.

G. W. COLBY,  
Chairman.

Mr. May presented the following report:

*Mr. President:*

The undersigned, to whom was referred Senate Joint Resolution relative to the establishing of Mail Routes in Klamath and Siskiyou Counties, has had the same under consideration, and begs leave to return it to the Senate and recommend its adoption.

Respectfully,

W. B. MAY.

The Joint Resolution was then read third time and passed.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly has, this day, concurred in Senate amendments to Assembly Concurrent Resolution in relation to the indigent sick now remaining in the Marine Hospital.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly passed, on the 26th inst., Assembly bill No. 49, an Act to declare the Head of Navigation on Alameda River.

Also, passed on same day, Assembly Concurrent Resolution in relation to establishing a semi-monthly land Mail on the route heretofore established by law from the City of Monterey, *via* the town of San Luis Obispo, to the City of Santa Barbara in this State.

Also, passed on 27th inst., Assembly bill No. 109, An Act to extend an Act for the protection of Game, passed May 1, 1852, to the Counties of Shasta and Trinity.

Also, passed on same day, Assembly bill No. 256, An Act to repeal an Act entitled an Act to regulate Rodeas, passed April 30, 1851, so far as the same relates to the County of Tulare.



Also, on same day, Assembly Concurrent Resolution in relation the adjournment of the Legislature on the sixteenth day of April, 1855.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 256, entitled an Act to repeal an Act entitled an Act to regulate Rodeas, passed April 30, 1851, so far as the same relates to the County of Tulare.

Read a first and second time and referred to the Committee on Agriculture.

Assembly bill No. 109, entitled an Act to extend an Act for the protection of Game, passed May 1, 1852, to the Counties of Shasta and Trinity.

Read a first and second time and referred to the Delegation from Shasta.

Assembly bill No. 49, entitled an Act to declare the Head of Navigation on Alameda River.

Read a first and second time and referred to the Committee on Commerce and Navigation.

Assembly Concurrent Resolution concerning the establishment of a semi-monthly Mail Route from the City of Monterey, *via* the town of San Luis Obispo, to the City of Santa Barbara.

Read a first and second time and referred to the Committee on Federal Relations.

Assembly Concurrent Resolution concerning the adjournment of the Legislature on the 16th inst.

On motion of Mr. Kendall, laid on the table.

Mr. Mandeville moved that the Senate do now adjourn.

Lost.

Mr. Kendall moved to take up Senate bill No. 128, entitled an Act to recompense B. B. Redding and George Kerr & Co., for work performed for the State of California during the year 1854.

On motion of Mr. Mandeville, was made the special order for Tuesday next, the 3d inst., at 12 M.

On motion of Mr. Hook, the Senate re-considered the vote by which was laid on the table the Concurrent Resolution concerning the adjournment.

On motion of Mr. French, it was made the special order for Wednesday next, the 5th inst.

Mr. Rust moved to take up Assembly bill No. 251, entitled an Act to authorize the Board of Supervisors in and for the County of Sutter to levy a Special Tax for the erection of Public Buildings in said County.

Read third time and passed.

Mr. Stebbins moved that the Senate adjourn.

Lost.

Senate bill No. 121, entitled an Act to prohibit all persons of foreign birth who are not eligible to citizenship, from working or occupying the Mineral Lands of this State.

Taken up, read a first and second time and referred to the Committee on Mines and Mining Interests.

Senate bill No. 141, entitled an Act for the Relief of James Walsh.

Taken from the table, read a first and second time and referred to the Committee on Indian Affairs.

The following message was received from the Assembly.

*Mr. President :*

I am directed to inform the Senate that the Assembly have, this day, passed Senate bill No. 150, an Act to amend and supplementary to an Act entitled an Act to Incorporate the City of Sacramento, passed March, 1851.

J. M. ANDERSON,  
Clerk of Assembly.

Leave being granted, Mr. Leake introduced a bill entitled an Act to adjust the amount of Indebtedness of the County of Amador to the County of Calaveras, and provide for the payment thereof.

Read first and second time and referred to the Delegation from Calaveras.

Mr. Mandeville moved that the Senate do now adjourn.

Carried.

So the Senate adjourned.

SAMUEL PURDY,  
President of Senate.

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## IN SENATE.

THURSDAY, March 29, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. Colby presented a statement of B. F. Ankeny, as Quartermaster of First El Dorado Expedition.

Referred to the Military Committee.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, a bill for an Act to authorize the Board of Supervisors of San Francisco County to allow and settle the Claim arising out of the purchase of certain property in said County known as the Laffan & Gillespie purchase.

Also, An Act amendatory of an Act entitled an Act to provide for the sale

of the Interest of the State of California in the property within the Water Line Front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, passed May 18, 1853.

G. W. COLBY,

Chairman.

Mr. Whiting presented a petition from citizens of San Francisco, praying for the funding of the floating debt of San Francisco City.

On motion was referred to the San Francisco Delegation.

Mr. Whiting presented the following report:

*Mr. President :*

The Select Committee appointed to visit the State Prison and investigate its affairs, respectfully report that they have joined the Standing Committee of the Senate and Assembly in a very elaborate report, and they beg to be discharged from the further consideration of the subject.

Your Committee feel assured that the Senate will give their early attention to the recommendation of the Joint Committee.

B. C. WHITING,

Chairman.

Mr. Whiting presented the following report:

*Mr. President :*

The Committee on Corporations, to whom was referred Assembly bill No. 209, entitled an Act to Incorporate the Town of Martinez, ask leave to report the same back and recommend its indefinite postponement. Your Committee would respectfully call the attention of the inhabitants of the little paradise on the Straits of Carquinez, to an Act to provide for the Incorporation of Towns, passed March 27, 1850, which Act has been amended during the present session, and now affords all the facilities requisite for the incorporation of towns and villages.

B. C. WHITING,

Chairman.

Mr. McGarry presented the account of E. D. Coleman for copies of the "Leger" furnished to members of the Senate for the year 1854.

Referred to the Committee on Contingent Expenses.

Mr. Burton, according to previous notice, offered an amendment to the 27th standing rule of the Senate, altering the hour of meeting of the Senate to 10 o'clock, A. M., instead of 11 o'clock, A. M., as heretofore.

On motion of Mr. McGarry, was laid on the table.

Mr. Crenshaw, from the Committee on State Prison, presented the following report:

*Mr. President :*

The Special Committee on State Prison, in obedience to the instructions of

the Assembly requiring them, in conjunction with a special Committee appointed by the Senate, to visit the State Prison and examine into the condition and management of that institution, have performed that duty, and respectfully ask leave to make the following report:

In consequence of the various rumors which had obtained circulation in connection with the condition and management of the State Prison, your Committee deemed it their duty, after a personal inspection of the Prison and Prison grounds, to call before them witnesses and make a thorough investigation as to the correctness of these rumors, and also to ascertain what was the cause of the numerous escapes of convicts from the Prison. We have also collected a great deal of testimony as to the profit or loss of the present lessee of the State Prison by the prison labor, and as to the possibility of making that institution support its lf or become a source of revenue to those who are entitled to the labor of the prisoners. From this mass of testimony, your Committee are forced to the conclusion that the system at present practiced by the lessee is seriously objectionable, and wholly fails to accomplish the great object which should be aimed at by the establishment of a State Prison, namely, the certainty of punishment, according to our criminal code, and the moral reformation of the convict.

In consequence of the peculiar management of the convicts, and the police regulations of the Prison, it was difficult to obtain perfectly satisfactory evidence of the number of convicts now confined in the State Prison. We place the number, however, at three hundred and thirteen. The Inspectors estimate the number, at the date of their report of January 30, at two hundred and seventy-five, while the lessee, J. M. Estell, in his report to the Legislature, dated January 28, states the number as over three hundred. From this evidence, together with such information as we could gather at the Prison grounds, we set down the number as above stated. Since the visit of your Committee to the Prison, we are informed that about fifty new convicts have been received, making the number, at this time, three hundred and sixty-three. Near one half of these prisoners are worked at Marin Island, in the Bay of San Pablo, about two and a half miles from the Prison. The others are engaged at the Prison, and in running vessels to San Francisco, transporting stone and brick, and in getting wood from the hills with which to burn brick kilns. The convicts are required to labor from sunrise until sunset, except the time necessarily engaged in eating their meals.

Although there was some complaint among the convicts as to the kind and quality of food and clothing, yet your Committee believe that they have no just ground for complaint in this particular. The health of the convicts seemed to be remarkably good. In accordance with the provisions of an Act passed May 15, 1853, a Prison has been erected, with forty-eight cells on the second story, which, by the present arrangement of the lessee of confining four prisoners in a cell, will safely confine one hundred and ninety-two. The lower story is divided into an office, guard-room, and long room in which prisoners are confined. The Prison is a very substantial building, and altogether safe for the confinement of prisoners at night. Those engaged at work on Marin Island are confined at night on board of an old brig, which is firmly secured to the shore. Although not as securely confined at night as those at the Prison, yet their insular position banishes the idea of escape from their minds, unless they can get outside aid to procure boats with which to leave the island. Although a partially successful revolt occurred in December last, by which twenty-two prisoners secured a boat and escaped, yet we believe that with ordinary care the convicts can be more safely confined on this island than at the State Prison.

It would be exceedingly dangerous to keep all the convicts at the State Prison



at the present time. There is prison room for but little more than half of them, and it is feared that so large a body of convicts thrown together, without sufficient means of confinement, would be the signal for a revolt, which, unless the guards be greatly increased, would, in all probability, be successful.

The lessee has under his employ about thirty men, who act as officers and guard. This number is not, in the estimation of your Committee, sufficient to suppress a revolt with certainty, and this number, when divided between the Prison and the island, does not present that formidable appearance to the convict which would discourage them from any attempt at an out-break. It is the custom of the lessee to send six, eight or ten prisoners to the woods to procure wood with but a single guard. Escapes frequently occur while out in these parties. Prisoners have been sent out from the Prison to work on a ranch with and without guard. But the most of the escapes are occasioned by the adoption of a system denominated the "trustie system." By this system a prisoner whose term of service is about expiring, or who has behaved well, or has been recommended to the lessee as a gentleman and a man of good standing and family, is permitted to do light work, to be kept separate from the mass of prisoners, to go on errands for miles in the country, on foot or on horseback, alone; to go to San Francisco; to sleep without the guard at the cook house, off the Prison grounds, and other liberties which are frequently taken advantage of to escape. It is believed that most who are now at large have escaped by this "trustie system." Although we are not prepared to entirely condemn the "trustie system" as such, yet it requires the exercise of the best judgment to know who to trust. It is sometimes advantageous to have some among the prisoners who will aid in giving information concerning rebellions and efforts at escapes, and to assist in suppressing revolts. The use of this system has been and may be serviceable, but it should be exercised with caution, and not to that extent that has been practiced in our State Prison.

There are few men who have been sentenced to the State Prison—no matter for what offense, no matter what may have been their former character—who, when an opportunity is offered them to escape by stepping on board of a ship bound from our shores, would not take advantage of it and thus regain their liberty. From the numerous escapes that have been effected under cover of this system in this State, we cannot but recommend that it be discontinued, as far as they are allowed to leave the Prison grounds, and that those selected within the Prison grounds should be selected with the greatest care.

The convicts at the Prison are engaged in making brick on grounds adjoining the Prison grounds, which are well adapted for the purpose, and under the control of General Estell. Those at Marin Island are engaged in quarrying stone from an excellent quarry, which, we understand, is owned by General Estell.

The Committee having ascertained the present market value of brick and stone in the City of San Francisco, and the quality that can be furnished by convict labor, are well satisfied that, with ordinary energy and judgment, the institution can be made not only a self supporting institution, but even profitable. Yet the Committee are assured by the lessee that he has lost, by keeping the State prisoners under his present contract, \$127,000. These losses, he informs us, occurred in consequence of bad management in the prison matters, and that only in the last six months has he been able to make any profit on the prison labor. He has now favorable contracts for furnishing bricks and stone in the City of San Francisco, and that he has realized \$45,000 profit in the last six months.

From evidence, your Committee believe that, with ordinary care, a profit of one dollar per day to the convict may be realized, over and above all necessary expenses, such as food, clothing, guards, and working tools. Estimating the

number of working convicts at three hundred, we have, by this calculation, \$1,800 per week, or \$97,200 clear profit per year. This calculation is made upon the supposition that favorable contracts can be made for the delivery of bricks and stone in the City of San Francisco, or at a place no further from the Prison.

The general management of the Prison, in the opinion of your Committee, is not such as it should be in order to secure the safety of the convicts. Many regulations might be made, even under the present contract, which, we think, would insure more certainly the security of the convicts. The rules and regulations of the guard are not sufficiently systematic, nor are they sufficiently stringent upon the guard and officers. Liquor has been used to excess among the guard and officers. Prisoners themselves have been allowed liquor by the guard in some instances. The convicts are not required to dress in uniform, but to retain the clothes worn by them when brought to the Prison; so it is difficult to distinguish a convict from one of the guard. Their heads are not required to be shaved regularly, nor are they required to change their clothes as often as cleanliness would require. We believe that if a system of uniformity of dress (which, by its peculiarity, would attract attention) would, if adopted, tend to prevent escapes; and if the heads were required to be shaved once a week, the escaped convicts would be recognized, and their arrest would be facilitated. It is proper to remark, however, that so far as these rules affect the police regulations of the Prison, their establishment was the duty of the Inspectors of the State Prison, and the lessee would have been compelled to comply with them. In consideration of these numerous defects in the government and discipline of the Prison, by which so many escapes were effected, and, also, in consequence of want of sufficient room at the Prison and Prison grounds, by which the convicts could be made secure, we made it a part of our duty to investigate the remedy the State might have to correct themselves, retaining the contract with General Estell, the present lessee, or by dissolving the present connection between the lessee and the State and making such radical improvements both in discipline and buildings, as will protect our citizens and insure the security of the convicts.

The law of 1851, made General J. M. Estell and M. G. Vallejo the lessees of the State Prison for ten years. In 1852 the Legislature, by a special Act, released M. G. Vallejo and made J. M. Estell the sole lessee under the Act of 1851, upon his filing his bond in the office of the Secretary of State to be approved by the Governor, in the sum of \$100,000; which conditions the said Estell has complied with. A copy of said bond is herewith reported, marked "Exhibit A." The said law of 1851 is a contract entered into between the State and the lessee, and the law regulating the construction of contracts generally must apply to this. By this law the lessee has, for ten years, the sole charge of the convicts sentenced to the State Prison. He is required to "feed and clothe the prisoners, and pay all other necessary expenses, as that for guards and tools to work with; to prepare suitable temporary buildings upon the grounds herewith leased, or shall have suitable and secure prison ships or vessels, properly arranged for the health and security of the convicts, until the State shall build the State Prison." It then, in a provision to the seventh section, states that "this Act shall not be so construed as to confine the labor of the prisoners within the walls of said Prison, or to any particular place or labor."

We believe that the Legislature is bound to the contract as it is made; that the Legislature has no right to alter or change that contract in any material point, so as to require any additional expense in keeping prisoners, or by which their labor would be made more unprofitable to the lessee without the consent of said lessee. That if the lessee had violated the contract so as to work a

forfeiture of the contract, that we could not, by a legislative Act, annul said contract, but that our remedy would be entirely judicial. In order to satisfy ourselves more perfectly as to the correctness of these positions, we addressed a series of interrogatories to the Attorney General, and received an answer from him in which he sustains the position above laid down. The communication of the Attorney General is reported as exhibit B, and made a part of this report.

From the construction placed upon the statutes of 1851, your Committee are not satisfied, from the evidence, that the lessee has violated his contract in so material a point as to work a forfeiture before any court of justice, but from the peculiar wording of the statute it seemed to be the object of the Legislature to give every advantage to the lessee, in order to enable him to keep the prisoners safely, and at the same time to make it a source of profit to himself. We are of the opinion, therefore, that the Legislature could not compel the lessee to clothe the convicts in uniform, or shave their heads, or increase or in any way regulate the guards, or require any additional temporary building, or forbid the "trustie system," or require him to work the prisoners within the prison walls or on the prison grounds.

In view of all these positions, and the great necessity that exists for additional buildings on the State Prison grounds, for the safety and security of the convicts, your Committee have concluded to recommend to the Legislature to buy the said lease from the said James M. Estell. In answer to a resolution adopted by the Committee, the said lessee agrees to sell his said lease to the State for the sum of \$100,000, which proposition we submit to the Legislature and recommend that it be accepted; and that a bill prepared by the Committee and herewith reported for that purpose, be passed.

We are induced to make this recommendation for the following reasons: The urgent necessity for additional prison room is not only apparent to your Committee, but to the whole community; it is required by every consideration of reason and justice. As the convicts now are, they may at any time, by a successful revolt, be cast loose upon society, and the probability of their escape is so apparent to the citizens of the county adjoining the prison, that they live in constant fear, and as testimony shows, the price of real estate in the surrounding country has been materially reduced in consequence thereof.

The lessee cannot, in our opinion, be compelled to build additional buildings on the prison grounds; it remains, therefore, the duty of the State to build this additional prison room. To make an appropriation and let out the building of said prison by contract, would, in the estimation of your Committee, require the sum of at least three hundred and fifty thousand dollars.

While we recognize the necessity of these improvements, we are not prepared, in the present exhausted state of our Treasury, to recommend so large an outlay of money, but by the purchase proposed the State becomes again the sole owner of the prison labor, which, under proper management, can and should be required to do this work, thereby saving to the State a very great outlay of treasure. From the report of the Inspectors, we are informed that there is every kind of mechanics among the convicts, and some as well skilled in mechanism as can be found outside of the prison walls. Under a system which your Committee is now prepared to recommend, this convict labor will be applied to the erection of these additional prisons, and their completion effected as soon by this means as by letting it out by contract, and certainly at not more than one-third of the expense. We, also, in accordance with the proposition of the lessee above referred to, recommend that the property attached to the prison, and necessary to the labor of the convicts, be purchased at a price to be affixed by appraisers, two appointed by the Legislature and one by the lessee, payable in brick and stone in San Francisco, at market prices.



The property here referred to consists of the necessary working tools for blasting and dressing stone, brick machinery, machine shop and steam engine, together with sixteen acres of land lying adjacent to the prison grounds, and upon which is situated the brick yard and dining room for the convicts, with other necessary buildings thereon. This purchase we deem necessary to the successful and convenient working of the convicts.

Should the plan here suggested by the Committee be adopted, and the convicts of the State Prison be placed under the supervision of a warden or superintendent, we would not recommend that all the prisoners be removed forthwith to the prison ground, for fear of an outbreak, but that one-half be engaged elsewhere in making bricks and quarrying stone, with which to pay for the property purchased in accordance with the agreement made with the lessee in the resolution and answer above referred to, which said resolution and answer is herewith submitted, marked exhibit C.

Your Committee, in the course of their investigation, made some inquiry concerning the title the State has to the twenty acres of land on Point San Quentin, on which the Prison is located, purchased from B. R. Buckalew, in pursuance to an Act passed May 1, 1852, depends on a Mexican grant, which said grant has not yet been confirmed, but are assured by the lessee that if said grant should not be confirmed, that he holds the pre-emption claim to the same, and that he will make a title to the State as soon as a title from the General Government can be obtained. Although we do not believe the location as good as might have been selected, yet, after so large an outlay of money as has been expended upon that ground, we are not disposed to recommend a removal of the prison, if good title can be obtained to the land purchased of Mr. Buckalew.

The Committee are preparing bills in connection with the prison and concerning the future government of that institution, which bills they will present as soon as the bill herewith reported shall have passed.

All of which is most respectfully submitted,

JNO. T. CRENSHAW,

Chairman Senate Committee.

G. W. COLBY.

ASA KINNEY,

Chairman Assembly Committee.

E. J. CURTIS,

WM. A. DANA,

H. P. A. SMITH.

B. C. WHITING,

Chairman Select Committee.

S. DAY,

H. P. HEINTZELMAN.

EXHIBIT A.

Know all men by these presents, that we, James M. Estell as principal, and John McDougal, John S. Fowler, Martin E. Cook and B. Frank Keene, as



securities, are held and firmly bound unto the people of the State of California, in the sum of one hundred thousand dollars; to the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, severally and jointly, firmly by these presents, sealed with our seals, and dated this fourth day of May, A. D., 1852.

Now the condition of the above obligation is such, that, whereas, by an Act approved April 10, A. D., 1852, it is provided that the above mentioned James M. Estell shall be constituted sole lessee of the prison, prison grounds and prisoners of the State, according to the terms and condition of "An Act providing for the securing the State Prison Convicts," approved April twenty-fifth, one thousand eight hundred and fifty-one, upon his filing a bond with the same sureties and the same conditions as the bond required by the Act last aforesaid.

Now, if the said James M. Estell shall faithfully perform all the duties of such lessee as required by law, and shall hold the State free from every expense for the subsistence, clothing, security and safe-keeping of State Prison Convicts during the continuance of such lease, then the above obligation to be void, otherwise to be and remain in full force and effect.

JAMES M. ESTELL,	[L. S.]
JOHN M. McDOUGALL,	[L. S.]
MARTIN E. COOK,	[L. S.]
JOHN S. FOWLER,	[L. S.]
B. FRANK KEENE.	[L. S.]

Approved May 5, 1852.

JOHN BIGLER.

A true copy from the original.

J. W. DENVER,  
Secretary of State.

#### EXHIBIT B.

ATTORNEY GENERAL'S OFFICE, }  
March 12, 1855. }

*Hon. J. T. Crenshaw, Chairman Senate State Prison Committee:*

SIR:—

Your communication of the 8th inst., containing the following questions for my official consideration and answer, is before me.

First. Has the lessee of the State Prison the right under the contract made with the State, to work the prisoners at Monterey, at Mariposa, or at any place away from the prison or the prison grounds, or to send them on errands.

Second. In case of a violation of the contract on the part of the lessee can the Legislature, by an Act, declare the contract forfeited, or is the remedy entirely judicial?

Third. Can the Legislature, by Act, in any manner compel the lessee to clothe the convicts in uniform, or prescribe the kind and quantity of clothing or food, or establish regulations of the prison by which the price of keeping prisoners would in any manner be increased?

Fourth. Can the Legislature in any manner amend the law of 1851 so as to compel the present lessee under that law, to work the prisoners in the State Prison or on the State Prison grounds?

The Act providing for "securing the State Prison Convicts," passed April 25, 1851, is a contract between the State and the lessee of the State Prison, and must be construed by the ordinary rules of construction applicable to contracts. It is liable to the objection of being loosely drawn, and apparently contradictory. The spirit of the Act being, as I conceive, repugnant to its letter.

It is scarcely probable or possible that the framers of the law intended that the lessee should have the privilege of transporting State prisoners to any great distance from the prison grounds and there work them; yet a literal construction of the proviso of section seven of the Act would give him that power. This construction, however, I conceive, would render inoperative and nugatory all the other provisions of the Act, for what would be the necessity for a State Prison, located at a particular point, wherein to confine prisoners, if the lessee can remove and keep them at any place in the State, with no guaranty for their safe keeping but his own discretion.

One of the most obvious and wholesome rules of construing statutes, is to put such construction on them "that one clause shall not frustrate and destroy, but on the other hand, explain and support another; sound exposition requiring effect to be given to every significant clause, sentence or word in a statute."

Applying this rule in the present case, I am of the opinion that the proviso referred to, means no more than that the lessee shall not be compelled to work the prisoners in the prison or even in the prison grounds, but shall have the power to work them at such a distance from the grounds as shall be consistent with their safe confinement. What is such a distance, is a question more for the consideration of the parties to the contract than for mine.

In reply to your second inquiry, I am clearly of the opinion that the Legislature has no power to repeal the Act, and declare the contract at an end, without the consent of the lessee.

It is a contract of the most solemn character, by which the State is as much bound as an individual would be in a similar case. It has been partly performed, and is continuing to be performed.

The question whether the lessee has performed the conditions imposed on him by the Act, is strictly a judicial one, and as the Legislature has, under our Constitution, no judicial powers, an Act declaring the contract rescinded, would have no other efficacy than as a mere expression of opinion by that body. Whether a court of equity would, upon a suggestion of non-compliance with the conditions of the Act, be warranted in decreeing a rescission of it, is a question I do not think is embraced in your inquiries, and, therefore, I will not give any opinion upon it.

As to your third inquiry, I am of the opinion that, under the seventh section of the Act, the inspectors have ample power to make such regulations about clothing, food, etc., as shall be necessary for the health, safe-keeping, and cleanliness of the prisoners, subject to the proviso referred to above. This power of the inspectors is delegated to them by the Legislature, but the Act of delegation itself is a part of the contract, and cannot be rescinded by the State without the consent of the lessee.

I do not think the Legislature has the power in any manner to change the law in a material point, or to impose any duties on the lessee, not contemplated by the Act as it originally passed, without his consent.

The remedy for the State is either by a suit on the bond given by the lessee

to secure the faithful performance of his duties, or by a bill in equity (provided the courts will entertain it) to procure a rescission of the contract.

M. CONNELL,  
Attorney General.

EXHIBIT C.

*Resolved*, That John T. Crenshaw, a member of this Committee, be authorized to state to James M. Estell—

First. That the Committee on behalf of the State cannot give any encouragement that the State will accept his proposition, dated March 16, 1855, made by him.

Second. That the Committee will recommend to the two branches of the Legislature to purchase the State Prison contract, and pay therefor one hundred thousand dollars, in State bonds, payable in ten years from the date of their issue, with semi-annual interest at the rate of seven per cent per annum.

Also, that the State purchase the sixteen acres of land belonging to the brick yard, the engine, brick machinery, and other valuable improvements, at their appraised value, to be appraised by three Commissioners, one Commissioner to be appointed by General Estell, and the other two to be elected by a joint convention of the two branches of the Legislature. All this property to be paid for by the State in brick and stone manufactured or worked by the convicts, to be delivered at San Francisco at market prices.

B. C. WHITING.

SACRAMENTO CITY, March 18, 1855.

*Chairman Committee on State Prison:*

SIR:—

In answer to your communication of yesterday, I will say I could, by a sale to other parties, or by hiring out the prisoners to contractors, make a much larger amount of money than by the acceptance of the terms proposed by the Committee; but I am fully persuaded the convicts cannot be kept safely with the present means for their confinement.

If the Committee would recommend an appropriation to build the Prison and Prison walls, I would greatly prefer holding the present contract; but, having been assured by yourself there is no probability of such a recommendation, and fearing, from the exposed condition of the Prison, a successful revolution might occur whilst I am responsible, I am compelled, reluctantly, to accept the terms proposed to be recommended by the Committee in Mr. Whiting's resolution.

I am, very respectfully, yours,

J. M. ESTELL,  
Lessee State Prison.

On motion, the usual number of copies were ordered printed.

Mr. Burton moved to take up Senate bill No. 9, entitled an Act to encourage



the construction of a Railroad and Telegraph Line from the Bay of San Francisco to the Eastern Line of this State with branches thereto.

Agreed to.

On motion of Mr. Tuttle, the same was laid on the table.

On motion of Mr. McGarry, the Senate took up Assembly bill No. 166, entitled an Act authorizing the Board of Supervisors of Napa County to levy a Tax for certain purposes.

Read a third time and passed.

Mr. Hook moved that the Senate take into consideration Joint Resolution requesting the President of the United States to order the removal of the Land Office from Benicia to Sacramento.

Agreed to.

Mr. McGarry moved its reference to a Select Committee of three.

Lost.

Mr. McGarry offered the following amendment:

Strike out the words "on that account only," and insert the words "because it is the most central place in the State and better adapted for the convenience of settlers having business at the Land Office."

Lost.

Mr. McGarry moved to strike out the words "but little business."

Agreed to.

On motion of Mr. Mandeville, the Senate proceeded to the consideration of the special order of the day, Assembly bill No. 181, entitled an Act to provide for Funding the Floating Debt of San Francisco and for the extinguishment of the same, and Senate bill No. 144, substitute to Assembly bill No. 181, entitled an Act to authorize the Tax Collector of the City of San Francisco to receive the legally issued Warrants of said City in payment of Taxes, Licenses and Debts due the City.

On motion, the same were made the special order for Tuesday next, the third inst.

Mr. Hook moved that the Joint Resolution concerning the removal of the Land Office from Benicia to Sacramento be placed upon its final passage.

Mr. McGarry rose to a point of order, that the special order of the day having been taken up and considered, all previous business pending at the time of the commencement of the same fell to the table.

The Chair (Mr. French) decided the point of order not well taken.

Mr. McGarry appealed from the decision of the Chair.

The question then being, shall the decision of the Chair stand as the judgment of the Senate?

The ayes and noes were demanded by Messrs. May, Stebbins and McGarry, with the following result:

#### AYES.

Messrs. Burton, Colby, Flint, Gove, Hawthorne, Hook, Mandeville, McConn, Rust, Scellen and Tuttle—11.

#### NOES.

Messrs. Hall, May, McGarry, McNeil, Norman and Stebbins—6.

So the decision of the Chair was sustained.



Mr. Burton moved to lay the resolution upon the table.

Lost.

Mr. Flint moved its indefinite postponement.

Upon which the ayes and noes were demanded by Messrs. Flint, Hook and McGarry, with the following result:

AYES.

Messrs. Flint, May, McCoun, McGarry, McNeil, Norman and Tuttle—7.

NOES.

Messrs. Burton, Colby, Crenshaw, French, Gove, Hall, Hawthorne, Hook, Keene, Leake, Mandeville, Peck, Rust and Stebbins—14.

So the motion to indefinitely postpone was lost.

Mr. Hall moved to lay the resolution on the table.

Upon which the ayes and noes were demanded by Messrs. McGarry, Hall and Norman, with the following result:

AYES.

Messrs. Burton, Hall, May, McCoun, McGarry, McNeil, Norman, Stebbins and Tuttle—9.

NOES.

Messrs. Colby, Crenshaw, French, Gove, Hawthorne, Hook, Keene, Leake, Peck and Rust—10.

So the motion was lost.

On motion of Mr. Burton, the Senate re-considered the vote by which the Joint Resolution went to its third reading.

Mr. Burton moved to re-consider the vote by which the second amendment offered by Mr. McGarry was adopted.

Agreed to.

The question then recurred upon the adoption of the second amendment offered by Mr. McGarry.

Lost.

Mr. Burton moved that the resolution go to a third reading.

Carried.

On the final passage of the resolution, the ayes and noes were demanded by Messrs. McGarry, McCoun and May, with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, French, Gove, Hawthorne, Hook, Keene, Kendall, Leake, Peck, Rust and Scellen—13.

## NOES.

Messrs, Day, Flint, Hall, Mandeville, May, McCoun, McGarry, McNeil, Norman, Stebbins and Tuttle—11.

So the resolution was passed.

Mr. Peck gave notice that he would, on to-morrow, move a re-consideration of the vote just taken.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on yesterday, Assembly bill No. 336, An Act supplemental to and explanatory of an Act entitled an Act to Fund the Indebtedness of the State existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 30th day of July, 1853, and the first day of July, 1855, passed March 16, 1855.

And Assembly bill No. 300, An Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854.

And that the House, on yesterday, appointed Messrs. Kinney and Johnson of El Dorado, a Committee of Conference to meet the corresponding Committee on the part of the Senate, appointed on yesterday, upon the disagreeing vote upon Senate bill No. 76, An Act to provide for the Indigent Sick of the Counties of this State, the former Committee having been discharged.

Respectfully submitted,

J. W. SCOPY.

Assistant Clerk of Assembly.

Assembly bill No. 336, entitled an Act supplemental to and explanatory of an Act entitled an Act to Fund the Indebtedness of the State, existing in the form of State Controller's Warrants drawn upon the Treasurer of State between the 30th day of July, 1853, and the first day of July, 1855, passed March 16, 1855.

Read first, second and third time and passed.

Assembly bill No. 300, entitled an Act to amend an Act to provide Revenue for the support of the Government of the State, passed May 15, 1854.

Read first and second time and referred to the Finance Committee.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly have this day passed Senate bill No. 146, An Act for the relief of Abram T. Melvin, with an amendment to the title, in which the concurrence of the Senate is respectfully asked.

J. W. SCOPY,

Assistant Clerk of Assembly.

On motion of Mr. Keene, the bill was taken up and Assembly amendments concurred in.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, An Act to legalize certain Records in Nevada County.

Also, An Act to prohibit Gambling.

G. W. COLBY,  
Chairman.

Mr. Tuttle submitted the following resolution:

*Resolved*, That the Secretary be requested to inform the Assembly that an Act entitled an Act to suppress Gaming, passed by the Assembly on the 13th inst., was not reported to the Senate until Thursday the 29th inst.

Mr. Keene moved to lay the resolution upon the table.

Upon which the ayes and noes were demanded by Messrs. Tuttle, Peck and Norman, with the following result:

AYES.

Messrs. Day, Flint, French, Hall, Hook, Keene, Kendall, Mandeville, McNeil and Scellen—10.

NOES.

Messrs. Burton, Colby, Gove, Hawthorne, May, McCoun, McGarry, Norman, Peck, Rust and Tuttle—11.

So the motion to lay on the table was lost.

Mr. Mandeville moved postponement of the same until to-morrow at 12 M.

Upon which the ayes and noes were demanded by Messrs. Tuttle, Norman and Colby, with the following result:

AYES

Messrs. Burton, Crenshaw, French, Hall, Hook, Keene, Kendall, Mandeville, McGarry, McNeil and Scellen—11.

NOES.

Messrs. Colby, Day, Flint, Gove, Hawthorne, Norman, Peck, Rust, Stebins and Tuttle—10.

So the motion was carried.

Mr. Hall presented the following report:

*Mr. President :*

The Committee on Mines and Mining Interests report back Senate bill for an Act to prevent the counterfeiting of Gold Dust and other species of uncoined gold, and recommend its passage.

G. D. HALL,  
Chairman.

Mr. Scellen presented a petition from citizens of Sierra County, protesting against the further severance of that County.

Referred to the Committee on Counties and County Boundaries.

Mr. McGarry moved to take up Assembly bill No. 204, entitled an Act to change the time of holding the different Courts authorized to be held by the County Judge in the County of Yolo.

Agreed to.

Mr. Stebbins moved to lay the same on the table.

Lost.

The bill was then read a third time and passed.

According to previous notice, Mr. Hawthorne introduced a bill entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March 20, 1854.

Read a first and second time and referred to the Judiciary Committee.

On motion of Mr. Burton, the Senate took under consideration Assembly bill No. 65, entitled an Act to provide for the taking of the Second Census in 1855, and taking the Census thereafter.

Considered as in Committee of the Whole.

Reported back and made the special order for Thursday next, 5th inst., at 12 M.

Mr. McGarry moved to adjourn.

Lost.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, March 29, 1855. }

*To the Senate of California :*

I have this day approved the following Acts which originated in the Senate, viz:

An Act appropriating money to pay Louis Bartlett for services rendered the State.

An Act authorizing the Governor of this State to transmit to the Secretary of War at Washington City a statement in relation to the War Debt of California.

An Act concerning the County Records of Los Angeles County.

JOHN BIGLER.



The following report was received from the Committee of Conference:

*Mr. President:*

Your Committee of Free Conference, appointed by the Senate and Assembly, on the bill to provide for the support of the Indigent Sick of the Counties of this State, ask leave to report that we have had the same under consideration, and recommend the adoption of the following substitute for the Assembly substitute for section two of the bill, and unanimously recommend its passage.

THOS. KENDALL,  
S. DAY,

Senate.

A. KINNEY,  
J. C. JOHNSON,  
Assembly.

"The Hospital Fund, together with the moneys collected for the benefit of said fund, shall be set apart by the State Treasurer for the purpose expressed and directed in the first section of this Act, and after the first day of April, 1855, shall be divided and apportioned among the Counties of this State in proportion to the population as ascertained by the census of 1855; *provided*, that, until a complete and full return of the next census shall be made, the *pro rata* distribution shall be made upon the highest aggregate vote of the different Counties as returned to the Secretary of State's office at the last general election; and said funds shall be paid over by the Treasurer of the State on the warrants of the State Controller, who shall issue such warrants upon receiving the order of the Board of Supervisors, to the County Treasurer of each County. The Board of Supervisors shall use the same for the support and care of the Indigent Sick in their Counties, and for no other purpose, and shall render a semi-annual account of the use made thereof, to the Controller of State, to be presented by him, in a condensed form, in his annual report. The amount appropriated after the first apportionment, shall be due to the Counties on the first Mondays of March, June, September and December of each year."

Mr. Keene moved that the Senate concur in the substitute reported by the Committee.

Agreed to.

Mr. Tuttle moved to take up Assembly bill No. 33, entitled an Act concerning Legal Fences.

Considered in Committee of the Whole.

After some time spent therein, the Committee rose, reported the bill back and recommended its passage as amended.

Mr. Tuttle moved that the Senate concur in the amendments.

Agreed to.

Mr. Mandeville moved that the bill be laid on the table.

Carried.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly have, this day, con-

curred in the amendment offered by the Committee of Conference, on Senate bill to provide for the Indigent Sick in the Counties of this State.

J. M. ANDERSON,  
Clerk of Assembly.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly have, this day, passed Senate bill No. 147, An Act for the Relief of Addison Martin.

Also, Senate bill No. 148, An Act for the Relief of Knox & Farquaharson.

J. W. SCOPY,  
Assistant Clerk of Assembly.

Mr. Lippincott moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Peck, Tuttle and Rust, with the following result:

AYES.

Messrs. Burton, Crenshaw, Day, Flint, Hawthorne, Hook, Keene, Kendall, Lippincott, Mandeville, May, McGarry, Peck and Whiting—14.

NOES.

Messrs. Colby, French, Gove, Hall, McCoun, McNeil, Rust and Tuttle—8.

So the Senate adjourned.

SAMUEL PURDY,  
President of the Senate.

## IN SENATE.

FRIDAY, March 30, 1855.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. Whiting presented the following report:

*Mr. President :*

The Judiciary Committee have had under consideration Assembly bill No. 280, An Act to authorize the working of the County Convicts in Sacramento County, and report the same back, with the following amendments, and recommend its passage as amended.

B. C. WHITING,  
Chairman *pro tem.*

Mr. Whiting presented the following report:

*Mr. President:*

The Judiciary Committee have had under consideration a bill to fix the compensation of the County Judge of Sierra County, and to repeal, in part, the first section of an Act entitled an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed May 17, 1853, and have directed me to report the same back to the Senate and recommend its passage.

B. C. WHITING,  
Chairman *pro tem.*

Mr. Whiting presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 152, entitled an Act to amend an Act to regulate proceedings in Criminal Cases, passed May 1, 1851, and have directed me to report the same back, with sundry amendments, recommending its passage.

B. C. WHITING,  
Chairman *pro tem.*

Mr. May offered the following resolution:

*Resolved*, That no new business be received in the Senate after to-morrow at 12 o'clock M., except from the Assembly.

Mr. Tuttle moved that the resolution be adopted.

Mr. Burton moved to lay the resolution upon the table.

Upon which the ayes and noes were demanded by Messrs. May, Tuttle and French, with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Flint, French, Hook, Keene, Kendall, Lippincott, Mandeville, McGarry, McNeil, Norman, Peck, Rust, Scellen, Stebins and Whiting—18.

NOES.

Messrs. May, McCoun and Tuttle—3.

So the resolution was laid on the table.

Mr. Crenshaw, according to previous notice, introduced a bill for an Act to amend an Act entitled an Act to regulate the settlement of the Estates of deceased persons, passed May 1, 1850.

Read a first and second time and referred to the Judiciary Committee.

Mr. Whiting presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 151, entitled an Act to provide for reporting and publishing the Decisions of the Supreme Court of the State of California, and have directed me to report the same back, without amendment, and recommend that the same be indefinitely postponed.

The Committee are unanimous in the opinion that all classes of business men in California, and more especially the legal profession and their clients, would be greatly benefited by the monthly publication, in pamphlet form, of all the decisions of the Supreme Court; and, while your Committee would cheerfully favor any reasonable bill, the object of which is to secure an economical monthly publication of the decisions of our Supreme Court, they feel it their duty to oppose the bill already introduced, purporting to have that object in view, believing that its provisions cannot be carried out short of an annual expense to the State of over thirty thousand dollars.

B. C. WHITING,

*Chairman pro tem.*

Mr. McGarry moved to re-commit Assembly bill No. 38, entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice in this State and Judicial Officers, for further consideration.

Agreed to.

On motion of Mr. Tuttle, the Senate proceeded, as in Committee of the



Whole to the consideration of Assembly bill No. 264, entitled an Act to regulate Fees in Office.

After some time spent therein, rose, reported the bill back to the Senate, recommending its passage.

Mr. May called for the reading of the bill.

Mr. French moved to amend section sixteen, line two, by striking out the word "three" and inserting the word "four."

Lost.

Mr. Mandeville moved to amend section fourteen, line three, by striking out the word "three" and inserting the word "five."

Lost.

Mr. Lippincott moved to refer to a Select Committee of five.

Lost.

Mr. Kendall moved to suspend the further reading of the bill.

Mr. Mandeville moved to lay Mr. Kendall's motion on the table.

Lost.

The question then recurred on the suspension of the further reading of the bill.

Decided in the negative.

Mr. Day offered the following amendments to the nineteenth section:

First line, strike out \$5 and insert \$7.

Second line, strike out \$4 and insert \$6.

Third line, strike out \$3 and insert \$4.

Fifth line, strike out \$2 and insert \$5.

Ninth line, strike out \$1 and insert \$2.

Lost.

Mr. May moved to suspend the further reading of the bill.

Agreed to.

Mr. Mandeville moved to strike out the last section and insert, as a substitute, the words "this Act shall take effect from and after the first day of October, 1855."

Mr. Burton called for a division of the question.

Upon which the ayes and noes were demanded by Messrs. Leake, Mandeville and Burton, with the following result:

#### AYES.

Messrs. Day, French, Gove, Leake, Lippincott, Mandeville, Norman, Scellen and Whiting—9.

#### NOES.

Messrs. Burton, Colby, Crenshaw, Flint, Hall, Hawthorne, Hook, Keene, Kendall, May, McCoun, McGarry, McNeil, Peck and Tuttle—15.

So the Senate refused to strike out the last section.

Mr. Hall moved to strike out the forty-first to the forty-ninth section, inclusive.

Upon which Mr. Peck called for the previous question.

Sustained.

The question then recurring upon Mr. Hall's amendment, it was decided in the negative.

The bill was then read a third time.

On its final passage the ayes and noes were demanded by Messrs. Day, French and Rust, with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Gove, Hall, Hawthorne, Hook, Keene, Kendall, Leake, Lippincott, Mandeville, May, McCoun, McGarry, McNeil, Peck, Rust, Scellen, Tuttle and Whiting—23.

NOES.

Mr. French—1.

According to previous notice, Mr. Peck moved a re-consideration of the vote by which the Joint Resolution requesting the President of the United States to order the removal of the Land Office from Benicia to Sacramento was passed on yesterday.

Upon which the ayes and noes were demanded by Messrs. McGarry, Peck and Crenshaw, with the following result:

AYES.

Messrs. Burton, Crenshaw, Day, Flint, Lippincott, Mandeville, May, McCoun, McGarry, Rust, Peck, Scellen, Tuttle and Whiting—14.

NOES.

Messrs. Colby, French, Gove, Hawthorne, Hook, Keene, Kendall and Leake—8.

Mr. McGarry moved to indefinitely postpone the further consideration of the same.

Upon which the ayes and noes were demanded by Messrs. Lippincott, McGarry and May, with the following result:

AYES.

Messrs. Burton, Day, Flint, Hall, Lippincott, May, McCoun, McGarry, McNeil, Rust, Tuttle and Whiting—12.

NOES.

Messrs. Colby, Crenshaw, French, Gove, Hawthorne, Hook, Keene, Kendall, Leake, Mandeville and Peck—11.

So the resolution was indefinitely postponed.

Mr. Kendall moved that 500 copies be printed of the bill in relation to the Indigent Sick of this State, for distribution, in pamphlet form.

Agreed to.

On motion of Mr. Whiting, the Senate took up Assembly bill No. 74, entitled an Act for the relief of Preston K. Woodside.

Read a third time and passed

Mr. Rust moved to take up Senate bill No. 159, entitled an Act to prevent the counterfeiting of Gold Dust and other species of uncoined gold.

Read a third time and passed.

Mr. Norman presented the following report :

*Mr. President :*

The Committee on Enrollment have examined and found correctly enrolled the following Acts:

An Act appropriating money to pay Frank Denver for services rendered in making repairs on the State Capital.

An Act to suppress Houses of Ill-Fame.

An Act for the Relief of Abram T. Melvin.

An Act for the Relief of Knox & Farquaharson.

An Act for the Relief of Addison Martin.

W. B. NORMAN,  
Chairman.

Mr. Norman presented the following report:

*Mr. President :*

The Committee on Enrollment have this day presented to the Governor, for his signature, the following Acts, viz:

An Act appropriating money to pay Frank Denver for services rendered in making repairs on the State Capital.

An Act to suppress Houses of Ill-Fame.

An Act for the Relief of Abram T. Melvin.

An Act for the Relief of Knox & Farquaharson.

An Act for the Relief of Addison Martin.

W. B. NORMAN,  
Chairman.

The following message and documents were received from his Excellency, the Governor:

SURVEYOR GENERAL'S OFFICE, }  
Sacramento, March 27, 1855. }

*To his Excellency John Bigler, Governor of California :*

SIR :—

I have the honor to transmit the accompanying extract from the letter which I mentioned in our recent conversation concerning the swamp and overflowed

lands. By referring to Mr. Wilcox's report of Nov. 10, 1854, (see annual report of Surveyor General, page 58), it will be seen that he estimates these lands in his county, at "thirty-five or forty thousand acres," all of which was overflowed in 1851 and 1854. He also says "this land is only desirable for grazing, and, for that purpose, is very valuable."

I beg leave to refer also to a communication from the United States Surveyor General, dated Nov. 11, 1854, (see my annual report, page 89), in which he says, "In regard to the subject of swamp and overflowed lands, relating to which you wish a statement of what would be considered sufficient to establish the fact that any sub-division is swamp and overflowed lands, or subject to overflow, I have only to say that such lands are not sub-divided, but simply separated from the public domain by traverse lines, running along their margins, which lines are delineated upon the township plats, thus exhibiting the aggregate area of such lands as are in each township."

Thus we see that, in the County of Stanislaus alone, about twenty-five thousand acres of very valuable grazing lands, which undoubtedly belong to this State, are claimed and will be disposed of by the United States, unless proper action be taken to prevent the same.

I am, sir, very respectfully,  
Your obedient servant,

S. H. MARLETTE,  
Surveyor General.

Extract from letter from Silas Wilcox, Esq., County Surveyor of Stanislaus County, received March 20, 1855.

STANISLAUS COUNTY, March 14, 1855.

*Hon. S. H. Marlette :*

SIR :—

The United States Surveyors have nearly completed the sectionizing of about two-thirds of the overflowed land in this County. Two-thirds of that which is surveyed is under water at this time. I was informed by one of the party that their first orders were to survey only to high water mark, which is readily ascertained; but they had orders recently to survey all lands that are not overflowed nine months in each year.

Your obedient servant,

SILAS WILCOX,  
County Surveyor.

U. S. SURVEYOR GENERAL'S OFFICE, }  
San Francisco, Nov. 11, 1854. }

*Hon. S. H. Marlette, Surveyor General:*

SIR :—

Your letter of the 7th inst., has just come to hand, and the contents duly  
67s



noted. It will not be in my power to furnish you with the information desired until the report of the Commissioner of the General Land Office to the ensuing Congress shall be published, which will also embrace my own annual report to the Department, together with a map exhibiting all the data asked for in your letter, so far as the public surveys have been completed, and which it is in the power of the office to give.

In regard to the subject of swamp and overflowed lands, relating to which you wish a "statement of what would be considered sufficient to establish the fact that any sub-division is swamp and overflowed land, or subject to overflow," I have only to say that such lands are not sub-divided, but simply separated from the public domain by traverse lines running along their margins, which lines are delineated upon the township plats, thus exhibiting the aggregate area of such lands as are in each township.

For the necessary information in relation to Geodetic Surveys of the State, I refer you to section four of the Act to provide for the Survey of the Public Lands in California, etc., approved March 3, 1853.

Very respectfully,  
Your obedient servant,

JOHN C. HAYS,  
U. S. Surveyor General, California.

EXECUTIVE DEPARTMENT,  
Sacramento, March 30, 1855. }

*To the Senate and Assembly of California :*

I have the honor herewith to transmit an important communication from the Surveyor General of the State, inviting the attention of the Executive to statements made by the County Surveyor of the County of Stanislaus, and the expressed opinion of the United States Surveyor General for California in relation to the overflowed lands.

It will be seen that the United States Surveyor General says, "that such lands," referring to the overflowed, "are not sub-divided, but simply separated from the public domain by traverse lines running along their margins, which lines are delineated upon the township plats, thus exhibiting the aggregate area of such lands as are in each township."

The County Surveyor of Stanislaus County says that "the U. S. Surveyors have nearly completed the sectionizing of about two-thirds of the overflowed land in this (Stanislaus) County; that two-thirds of that which is surveyed is under water at this time; that he was informed by one of the party that their first orders were to survey only to high water mark, which is readily ascertained, but they had orders recently to survey all lands that are not overflowed nine months in the year."

This decision, if adhered to, will deprive the State of California of at least three millions of acres of land, to which, under the interpretation originally given to the provisions of the Act in question, she is, in my opinion, justly entitled.

On the 21st day of November, 1850, the Commissioner of the General Land Office directed the several Surveyors General to regard as granted by the Act, "all lands which, from being swampy or subject to overflow, are unfit for cultivation, and in which class are to be included also, all lands which, though dry part of the year, are subject to inundation at the planting, growing or harvest-

ing seasons, so as to destroy the crop, and, therefore, are unfit for cultivation, taking the average seasons for a reasonable number of years as the rule of determination."

In a letter to Governor Brown, of Florida, inclosing a copy of the instructions above referred to, the Commissioner of the General Land Office, says:

"You will perceive that, by these instructions, the Surveyor General is authorized to receive such reliable evidence of the character of any of these lands as may be presented by the authorities of the State, and as many of the lands were surveyed at dry seasons, and hence are not represented by the descriptive notes or plats as being of that character, I have supposed it a matter of sufficient importance to induce you to call upon the County Surveyors, or other respectable persons of your State, for statements, under oath, in relation to the swamp or overflowed lands in their respective Counties, such testimony will be regarded as establishing the facts in the case, etc.

In accordance with the instructions issued by the Commissioner of the General Land Office in the month of November, 1850, all the other States benefited by the provisions of the Act, have made their selections, and no good reason, it is believed, can be assigned for giving to the law, at this time, a construction so unjust to the State of California.

It will also be seen by reference to the foregoing extract from the letter of the Commissioner of the General Land Office to the Governor of Florida, that the Surveyor General is authorized to receive "such reliable evidence of the character of these lands as may be presented by the State authorities," and that the "statements under oath of County Surveyors and other respectable persons of the State in relation to swamp and overflowed lands," would be received and regarded as establishing all the facts necessary to be ascertained or understood.

In order, therefore, to avail ourselves of the full benefit to which the State is justly entitled under the law, it will be necessary for the Legislature to provide, at an early day, for the collection and presentation to the authorities of the United States of such evidence as may be deemed requisite in the designation of swamp and overflowed lands.

Should the State permit selections to be made, as is now proposed by the United States Surveyor General, based alone upon field notes and surveys made at low water mark, California will be deprived of a very large portion of the best land to which she is entitled under the law. It is hoped, therefore, that immediate action will be taken on your part to prevent, if possible, so far as California is concerned, a departure from the mode of selection adopted in other States of the Confederacy.

It will be observed, by reference to the accompanying letter of the Surveyor General of the State, that the United States Surveyor General says that the swamp and overflowed lands "are not sub-divided, but are separated from the public domain by traverse lines running along their margins, which lines are delineated upon the township plats, thus exhibiting the aggregate area of such lands as are in each township."

It is to be regretted that the United States Surveyor General should have thus decided relative to the selection of overflowed lands and their separation from the public domain, for the reason not only that such decision will deprive California of millions of acres of land to which she is entitled, but because it is believed to be in conflict with the law itself, wherein it is expressly set forth what lands are to be regarded as being swamp and overflowed.

Section three of the Act of September 28, 1850, reads as follows:

"That in making out lists or plats of the lands aforesaid, all the legal subdivisions the greater part of which is wet and unfit for cultivation, shall be in-

cluded in said lists and plats, but when a greater part of a sub-division is not of that character, the whole of it shall be excluded therefrom."

It will be seen that in order to make selections under this section of the law, it is necessary that legal sub-divisions should be made, and that traverse lines running along the margin, as proposed by the United States Surveyor General, would not meet the requirements of the section of law last above cited. As this decision, or perhaps more properly, *dicta* of the United States Surveyor General, if adhered to, will be very injurious to the interests of the State, I trust you will, without delay, take such measures as may be deemed necessary in the premises, to secure to their fullest extent the rights and interests of the State under the law, and more particularly protest against the abandonment by the officers of the General Government, of the wise and just plan of designating swamp and overflowed lands, so clearly marked out in the third section of the Act of September 28, 1850.

Before concluding I cannot refrain from again urging upon you the great importance of immediate action upon your part to secure the speedy selection of the school lands donated by Congress to the State of California. There is reason to believe that pre-emptions are daily being made upon sixteenth and thirty-sixth sections granted to the State for school purposes; and although in that case the State can locate a like quantity elsewhere within her limits, still it is true that their selection will be attended with additional expense and trouble to the State.

The selection of these lands by the State, I would here remark, will in no wise operate to the disadvantage of the settler, or entail upon him additional hardships or expense, for the reason that the State will certainly dispose of them on terms even more liberal than those now enacted by the General Government. Indeed, it should be the desire, not only of the actual settler, but of every citizen of California, that the State should, at as early a day as possible, be possessed of these valuable lands, rather than the General Government, as the moneys obtained from their sale will, in that case, be paid into the school fund for the education of the children of the State, instead of finding its way, as now, into the already overflowing coffers of the nation.

JOHN BIGLER.

On motion of Mr. Keene, the reading was dispensed with and the usual number of copies ordered printed.

The following message was received from the Assembly:

*Mr President :*

I am directed to inform the Senate that the Assembly have, this day, amended the Senate amendments to Assembly bill No. 8, An Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, concurred in the same as amended, and ask the concurrence of the Senate therewith.

J. W. SCOPY,

Assistant Clerk of Assembly.

On motion of Mr. Tuttle, the same was taken up and the Assembly amendments concurred in.

Mr. Gove moved that the Senate take up Assembly bill No. 76, entitled an

Act to amend an Act to provide for the Incorporation of Railroad Companies, passed April 22, 1853.

Upon which the ayes and noes were demanded by Messrs. Whiting, Tuttle and Peck, with the following result:

## AYES

Messrs. Colby, Crenshaw, Day, Flint, Gove, Hall, Hawthorne, Lippincott, McGarry, McNeil, Scellen, Sprague, Tuttle and Whiting—14.

## NOES.

Messrs. Burton, French, Hook, Keene, Mandeville, Norman and Peck—7.

The amendments offered by the Committee were severally concurred in.  
The bill was read a third time.

On its final passage, the ayes and noes were demanded by Messrs. Tuttle, Peck and French, with the following result:

## AYES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Gove, Hall, Hawthorne, Lippincott, McCoun, McGarry, McNeil, Rust, Scellen, Tuttle and Whiting—16.

## NOES.

Messrs. French, Hook, Keene, Mandeville, May, Norman and Peck—7.

Mr. Day presented the following report:

*Mr. President:*

The Special Committee, to whom was referred Senate bill No. 129, An Act for paying the outstanding Indebtedness of Santa Clara County, report the same back and recommend its passage as amended.

S. DAY,  
Committee.

The bill was then taken up, the amendments offered by the Committee concurred in, read a third time and passed.

On motion of Mr. May, the Senate took up Assembly bill No. 164, entitled an Act amendatory of and supplementary to an Act entitled an Act defining the Legal Distances from each County Seat of the State of California to the State Capitol at Sacramento, the State Lunatic Asylum at Stockton and the State Prison at San Quentin, passed May 15, 1854.

Read a third time and passed.

Mr. Keene presented the following report:

*Mr. President:*

The Committee on Public Lands, to whom was referred an Act to provide



for the disposal of the swamp and overflowed lands granted to the State of California by the Act of Congress, approved September 28, 1850, entitled an Act to enable the State of Arkansas and other States to reclaim Swamp Lands within their limits, and to protect actual settlers upon said lands, have had the same under consideration, and being unable to agree on a report, have instructed me to report the same back to the Senate, and ask to be discharged.

B. F. KEENE,  
Chairman.

Mr. Hall moved that the bill be made the special order for Friday next, the 6th April, at 12 M.

Agreed to.

On motion of Mr. Rust, the Senate adjourned.

SAMUEL PURDY,  
President of Senate.

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## IN SENATE.

SATURDAY, March 31, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. Crenshaw presented a petition from citizens of Nevada County, praying for the passage of a bill to suppress Gaming.

Referred to the Committee on Public Morals and Police.

Mr. Lippincott presented a petition from citizens of Yuba County, praying for a Prohibitory Liquor Law.

Referred to the Committee on Public Morals and Police.

Mr. Tuttle submitted the following report:

*Mr. President :*

The Committee on Finance, to whom was referred Senate bill No. 92, entitled an Act making appropriations to defray the ordinary Civil Expenses of the Government of this State, from the first day of February, A. D. 1855, to the

first day of February, A. D., 1856, report the same back, with the following amendments, and recommend its passage.

CHAS. A. TUTTLE,  
Chairman.

Mr. Crenshaw presented the following resolution:

*Resolved*, That the Committee on Public Morals and Police be requested to report to the Senate, at their earliest convenience, the number of petitioners praying the passage of a Prohibitory Liquor Law; also, the suppression of amusement on the Sabbath, which have been presented to the Senate.

Adopted.

According to previous notice, Mr. Norman introduced a bill entitled an Act amendatory of an Act entitled an Act concerning Corporations.

Read a first and second time and referred to the Committee on Corporations. According to previous notice, Mr. Day introduced a bill entitled an Act to define the Boundary between the Counties of Alameda and Santa Clara, and to provide for the survey of a portion thereof.

Read a first and second time and referred to the Delegation from Santa Clara.

Leave being granted, Mr. Day introduced a bill entitled an Act to extend the time for commencing the construction of certain Railroads herein named.

Read a first and second time and referred to the Committee on Internal Improvements.

Mr. McNeil presented the following report:

*Mr. President:*

The Committee on Public Morals and Police, to whom was referred Assembly bill No. 73, An Act to suppress Gaming, beg leave to report, through its Chairman, the other members being absent, that he has had the same under consideration, and has added amendments thereto, and respectfully recommends the passage of the bill as amended.

A. MCNEIL,  
Chairman.

Mr. Tuttle moved to take up the bill just reported.

Agreed to.

The bill was then considered as in Committee of the Whole.

After some time spent therein,

On motion of Mr. Burton, the Committee rose and reported the bill back without any recommendation.

Mr. Mandeville moved to lay the bill on the table.

Lost.

Mr. Kendall moved to instruct the Secretary to return the bill to the Assembly.

Mr. Flint moved to amend by moving to indefinitely postpone the whole matter.

The question was then put as amended.

Lost.

The following message was received from the Assembly:

*Mr. President :*

I am directed by resolution of the Assembly, this day passed, to request the Senate that Assembly bill No. 73, An Act to suppress Gaming, be returned to the Assembly, the same having been reported to the Senate before having passed this House.

The report of the bill referred to was made by the Assistant Clerk of the Assembly through mistake.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Mr. Kendall moved to return forthwith to the Assembly the Gaming bill.

Agreed to.

On motion of Mr. Kendall, the Senate, as in Committee of the Whole, took under consideration Senate bill No. 119, entitled an Act to provide for the payment of State Prison Inspectors.

After some time spent therein,

On motion of Mr. French, the Committee rose and made the bill a special order for Tuesday next at 1 o'clock P. M.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, An Act to prevent the counterfeiting of Gold Dust and other species of uncoined gold.

Also, An Act to provide for paying the outstanding Indebtedness of the County of Santa Clara.

G. W. COLBY,

Chairman.

Mr. Lippincott presented the following report:

*Mr. President:*

The Committee of Free Conference of the Senate and Assembly have carefully examined Assembly bill No. 38, with the disagreeing votes and amendments referred to them for consideration, and report the same back with the following substitute for section two, and recommend that the Senate and Assembly concur with the Committee and adopt the substitute:

Section 2. The Governor shall appoint and commission some competent person in each of the said Thirteenth, Fourteenth and Fifteenth Districts, who shall hold their offices respectively until the next general election, when a judge shall be elected by the qualified voters of their respective districts, and until

the said judges thus elected shall be qualified. The salaries of the judges appointed according to the provisions of this Act, shall be as follows: In the Thirteenth District, at the rate of four thousand dollars per annum. In the Fourteenth and Fifteenth Districts, six thousand dollars per annum, to be paid as other District Judges are paid; *provided*, that nothing contained in this section shall be so construed as to fix the salaries of the Judges of the Thirteenth, Fourteenth and Fifteenth Districts that shall be elected at the next general election. This Act shall take effect from and after its passage.

C. E. LIPPINCOTT,  
B. C. WHITING,  
EDW. McGARRY,  
Senate.

T. C. FLOURNOY,  
E. G. WAITE,  
E. M. STEVENSON,  
Assembly.

Mr. Burton moved that the Senate take under consideration the amendments offered by the Committee.

Agreed to.

On motion, the amendments were concurred in.

Mr. Burton moved to take up Senate bill No. 92, entitled an Act making appropriations to defray the ordinary Civil Expenses of the Government of this State from the first day of February, A. D., 1855, to the first day of February, A. D., 1856.

Carried.

Mr. Maadeville moved to make it the special order for Friday next, the 6th inst.

Lost.

The bill was then considered as in Committee of the Whole.

On motion, the Committee rose and reported the bill back.

On motion of Mr. Maadeville, it was made the special order for Friday next, the 3d inst., at 12 o'clock M.

Mr. Whiting presented the following report:

*Mr. President:*

The undersigned, members of the Judiciary Committee, have had under consideration Senate bill No. 105, entitled an Act to amend an Act defining the time for commencing Civil Actions, passed April 22, 1850, and report the same back, with a substitute, and recommend the passage of the substitute.

B. C. WHITING,  
Chairman *pro tem*.

C. A. TUTTLE.

Laid upon the table.

Mr. Whiting moved to take up Senate bill No. 105, entitled an Act to amend an Act defining the time for commencing Civil Actions, passed April 22, 1850.

Agreed to.



On motion of Mr. Whiting, it was made the special order for Wednesday, the 4th inst., at 1 P. M., and ordered printed.

On motion of Mr. Heintzelman, the Senate took under consideration Assembly bill No. 209, entitled An Act to authorize the Board of Supervisors in and for the County of Marin to levy a Special Tax for the erection of Public Buildings in said County.

Read a third time and passed.

Mr. Norman presented the following report :

*Mr. President :*

The Committee on Enrollment have examined and find correctly enrolled, an Act to provide for the Indigent Sick in the Counties of this State.

Also, An Act to amend and supplementary to an Act entitled an Act to Re-Incorporate the City of Sacramento, passed March, 1851.

W. B. NORMAN,  
Chairman.

Mr. Norman presented the following report:

*Mr. President :*

The Committee on Enrollment have this day presented to the Governor, for his signature, the following Acts:

An Act to provide for the Indigent Sick in the Counties of this State.

Also, An Act to amend and supplementary to an Act entitled an Act to Re-Incorporate the City of Sacramento, passed March, 1851.

W. B. NORMAN,  
Chairman.

On motion of Mr. Seellen, the Senate took under consideration Assembly bill No. 261, entitled an Act to fix the compensation of the County Judges of Sierra County, and to repeal in part the first section of the Act entitled an Act to fix the compensation of County Judges and Associate Justices of the Courts of Sessions, passed May 17, 1853.

Read a third time and passed.

Mr. Tuttle moved to take up Assembly bill No. 54, entitled an Act to prohibit Lotteries, Raffles, Gift Enterprises and other schemes of a like character. Agreed to.

The bill was then read a third time and passed.

Mr. McCoun introduced a bill for an Act for the Relief of S. J. Frisbee.

Referred to the Committee on Claims.

Senate bill No. 9, entitled an Act to encourage the construction of a Railroad and Telegraph Line from the Bay of San Francisco to the Eastern Line of this State with branches thereto.

Taken up and made the special order for Tuesday next, 3d inst., at 12 M.

The following message was received from his Excellency the Governor, returning, with his objections, Senate bill entitled an Act to authorize Cruthers

& Stewart to use the waters of the Stanislaus River for Manufacturing purposes:

EXECUTIVE DEPARTMENT,  
Sacramento, March 31, 1855. }

*To the Senate of California :*

An Act entitled "An Act to authorize Cruthers and Stewart to use the Waters of the Stanislaus River for manufacturing purposes," is herewith returned to the House in which it originated, without approval.

The Act is exceedingly objectionable, from the fact that it purports to grant important privileges to the parties named, without restriction or limitation, other than is contained in the proviso to the first section, which reads as follows :

"*Provided*, that said water can be used and ditches constructed, without detriment to any *mining* interests whatever."

There is no clause in the Act for the protection of other parties interested, who may own property either above, below or opposite the improvements proposed to be constructed, and *should* the parties named construct a dam across the Stanislaus for the purposes set forth in the Act, there is no provision to prevent the "flowing or flooding" of the land above, below or opposite.

The parties named are authorized to "convey the water of said river in a ditch or ditches to 'suitable sites' for a grist and saw mill," leaving it entirely in their discretion to determine what is or is not a "suitable site," and permitting the construction of a ditch or ditches to such "site," irrespective of the rights, wishes or interests of others. So far as the Act itself is concerned, the parties named therein are authorized to convey, *by ditches*, the waters of the Stanislaus from its present bed to the extreme limits of the county, regardless of any and all damage that may be thereby done to the owners of property whose lands may be invaded or flooded by said ditches.

The common law, it is true, provides restrictions in the use of water courses, and penalties for damage done, but it is believed that the Act in question, should it become a law, would confer the privileges sought to be obtained, subject only to the limitations and restrictions provided in the body of the Act itself, and thus effectually supercede, if not annul, the principles of the common law, which would otherwise undoubtedly afford a remedy to injured parties.

It is well settled that the rights of riparian owners, or owners of land on the bank of a stream of running water, extend to the middle of such stream, and that the owner of one bank has no right to divert the waters of such stream, and can only acquire the right so to do by the consent of the owner of the opposite bank.

It is also well settled that the owner of both banks of a stream can use its waters in such manner and for such purposes as he may deem proper, provided, always, that in so doing, the rights and privileges of others are not infringed upon.

The questions involved are by me regarded as immensely important to the whole people, and I am therefore unwilling, by *special enactment*, in any particular, to interfere with the principles of common law, as applicable to water courses and the rights of riparian owners.

At present, dams are built and ditches constructed for mining, agricultural and manufacturing purposes, subject to local regulations in the mines, the common law and the provisions of our own general laws. The Act under consideration is, therefore, regarded as unnecessary, and, it is believed, would con-

stitute an unfortunate and injurious precedent for future special legislation, under which, it is feared, giant monopolies with unrestricted privileges, in the mines and agricultural districts, might be created, injurious to and destructive of the rights and interests of the people at large.

If, however, the parties named are unwilling to proceed, in the absence of law, they can, by applying to the Board of Supervisors of the proper county, obtain, subject to the provisions of the general law concerning corporations, all the necessary privileges proper to be by them exercised or enjoyed.

JOHN BIGLER.

The question then being, "Shall the bill pass notwithstanding the objections of the Governor?"

Decided in the negative by the following vote:

AYES.

Messrs. Flint, French, Kendall, Norman and Peck—5.

NOES.

Messrs. Burton, Colby, Crenshaw, Day, Gove, Hawthorne, Hook, Lippincott, May, McGarry, McNeil, Rust, Seellen, Tuttle and Whiting—15.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, March 31, 1855. }

*To the Senate of California :*

I have this day approved an Act which originated in the Senate, entitled an Act to amend and supplementary to an Act entitled an Act to Incorporate the City of Sacramento, passed March, 1851.

JOHN BIGLER.

On motion of Mr. Crenshaw, Senate bill No. 115, entitled an Act concerning the Enrollment of Steamboats and other Vessels, was taken up.

Read a third time and passed.

On motion of Mr. Colby, Assembly bill No. 213, An Act to authorize the payment of the rent of the Court House in Sacramento County, was taken up.

Read a third time and passed.

Mr. Mandeville moved that the Senate take up Assembly bill No. 197, An Act supplementary to an Act to provide for the permanent location of the Seat of Government of the State of California.

Upon which the ayes and noes were demanded by Messrs. Hall, McGarry and Rust, with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, French, Gove, Hawthorne, Hook, Keene, and Mandeville—9.

NOES.

Messrs. Hall, Heintzelman, Kendall, McGarry, McNeil, Norman, Rust, Scellen and Tuttle—9.

So the Senate refused to take up the bill.

Mr. Hall moved that the Senate do now adjourn.

Agreed to.

So the Senate adjourned.

SAMUEL PURDY,

President of the Senate.

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IN SENATE.

MONDAY, April 2, 1855.

The Senate met pursuant to adjournment.

The President in the chair.

The Journal of Saturday was read and approved.

Mr. Scellen presented a petition from citizens of Minnesota, urging objections against the change of Boundary Line in Sierra County.

Read and referred to the Committee on Counties and County Boundaries.

Mr. McGarry presented the following report:

*Mr. President :*

The Committee on Contingent Expenses, to whom was referred the account of E. D. Coleman (\$68) for copies of the "Leger" furnished to members of the Senate of last year, per order of the Sergeant-at-Arms, have had the same under consideration, find it correct, report the same back and recommend its payment.

ED. MCGARRY,

Chairman.

Adopted and the account ordered paid.

Mr. Hook presented the following report:



*Mr. President:*

The Committee on Indian Affairs have had under consideration Senate bill No. 141, entitled an Act for the Relief of James Walsh, and have instructed me to report the same back to the Senate.

Respectfully,

G. W. HOOK,  
Chairman.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, An Act concerning the Enrollment of Steamboats and other Vessels.

G. W. COLBY,  
Chairman.

The following message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, }  
Sacramento, April 2, 1855. }

*To the Senate of California:*

I have this day approved the following named Acts which originated in the Senate, viz:

- An Act for the Relief of Addison Martin.
- An Act for the Relief of Knox & Farquaharson.
- An Act appropriating money to pay Frank Denver for services rendered in making repairs on the State Capitol.
- An Act for the Relief of A. T. Melvin.
- An Act to suppress Houses of Ill-Fame.

JOHN BIGLER.

Mr. Day gave notice that he would, on to-morrow or at an early day thereafter, introduce a bill for an Act to amend Section Eleven of an Act to provide for the Incorporation of Railroad Companies, passed April 22, 1853.

On motion of Mr. Burton, Senate bill No. 14, entitled an Act providing for the payment of Officers holding Elections and for transmitting returns thereof, was taken up.

Mr. Burton moved to strike out the word "eight," in the first section, and insert "five."

Agreed to.

The bill was then read a third time.

Upon its final passage, the ayes and noes were demanded by Messrs. Keene, French and McNeil, with the following result:

AYES.

Messrs. Burton, Colby, Day, French, Gove, Hawthorne, Heintzelman, Hook, Kendall, Leake, Mandeville, McGarry and Scellen—13.

NOES.

Messrs. Hall, Keene, McNeil, Norman and Tuttle—5.

Mr. Heintzelman presented the report of the Recording Secretary of the State Agricultural Society.

Read and referred to the Committee on Claims.

Mr. Mandeville asked unanimous consent to introduce a bill for an Act for the Relief of Richard C. Barry.

Read a first and second time and referred to the Committee on Claims.

On motion of Mr. Tuttle, Senate bill No. 135, entitled an Act to enable the personal representatives and next of kin of Persons Deceased to maintain Suits in certain cases, was taken up.

Read a third time and passed.

Mr. Scellen moved to take up Senate bill No. 138, entitled an Act to authorize S. D. Will and G. Webber to construct a Toll-Bridge across the North Fork of the Yuba River.

Agreed to.

Mr. Norman moved to indefinitely postpone the further consideration of the same.

Mr. Keene moved to amend by referring the bill to the Judiciary Committee with instructions to report upon the constitutionality of the bill.

Upon which the ayes and noes were demanded by Messrs. Norman, French and Rust, with the following result:

AYES.

Messrs. Crenshaw, Day, French, Gove, Hall, Hook, Keene, Kendall, Mandeville, McNeil and Tuttle—11.

NOES.

Messrs. Burton, Hawthorne, Heintzelman, McGarry, Norman, Rust and Scellen—7.

Mr. Crenshaw moved that the Senate proceed to the consideration of Senate bill No. 153, substitute for Assembly bill No. 250, entitled an Act to provide for the settlement of the affairs of the State Marine Hospital at San Francisco and to dispose of the property belonging to the same.

Agreed to.

Mr. Rust moved a call of the Senate.

Agreed to.

The following Senators were found absent without leave:

Messrs. Flint, Kendall, Leake, Hall, Mahoney, May, McCoun, Gove, Moore, Peck, Stebbins, Whiting and Lippincott.

Messrs. Lippincott, Hall and Gove appeared at the bar of the Senate and were severally admitted and excused.

Mr. Burton asked leave of absence for Messrs. Peck and McCoun.

Granted.

Mr. Tuttle asked leave of absence for Mr. Whiting.

Granted.

On motion of Mr. Burton, further proceedings under the call were dispensed with.

Mr. Kendall moved to lay the bill upon the table.

Agreed to.

Mr. Kendall moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Colby, Tuttle and Heintzelman, with the following result:

AYES.

Messrs. Burton, French, Hall, Kendall, Mandeville, McGarry and Scellen—7.

NOES.

Messrs. Colby, Crenshaw, Day, Gove, Hawks, Hawthorne, Heintzelman, Hook, Keene, McNeil, Rust and Tuttle—12.

Mr. Burton moved to take up Senate bill No. 141, entitled an Act for the Relief of James Walsh.

Lost.

Mr. Tuttle moved to take up Senate bill No. 136, entitled an Act to regulate Marriages, passed April 22, 1850.

Lost.

Mr. Colby moved to take up Senate bill No. 58, entitled an Act concerning Ejectments.

Upon which the ayes and noes were demanded by Messrs. Colby, Heintzelman and McGarry, with the following result:

AYES.

Messrs. Colby, Crenshaw, Day, Gove, Hawks, Heintzelman, Keene, Lippincott, Norman, Rust and Tuttle—11.

NOES.

Messrs. Burton, French, Hall, Hawthorne, Hook, Kendall, Leake, Mandeville, McGarry, McNeil and Scellen—11.

So the Senate refused to consider the bill.

On motion of Mr. Kendall, the Senate adjourned.

SAM. PURDY,  
President of Senate.

C. DICKINSON,  
Secretary of Senate.

## IN SENATE.

TUESDAY, April 3, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. Stebbins presented a remonstrance from citizens of Yuba County protesting against the passage of a bill now before the Legislature, relative to extending the time of office of the officials of that County.

Referred to the Judiciary Committee.

Mr. McFarland presented a message from the Mayor of San Francisco City relative to the State Marine Hospital.

Read and referred to the Committee on Hospitals.

Mr. Stebbins presented a petition from Messrs. Enslin & Shreiber of the City of New York, relative to Interest Coupons lost on the Steamer Arctic.

Referred to the Committee on Claims.

Mr. Heintzelman submitted the following report:

*Mr. President :*

The Committee on Agriculture, to whom was referred Senate bill No. 256, entitled an Act to repeal an Act entitled an Act to regulate Rodeas, passed April 30, 1851, so far the same relates to the County of Tulare, have had the same under consideration, and beg leave to report it back to the Senate and recommend its passage.

H. P. HEINTZELMAN.

Chairman.

Mr. Crenshaw submitted the following report:

*Mr. President :*

The Special Committee, to whom was referred Senate bill No. 29, entitled an Act concerning passengers arriving in the Ports of California, have had the same under consideration, and have adopted a substitute for said bill, which is herewith reported, with a recommendation that it be passed.

JNO. T. CRENSHAW,

Chairman.

Mr. French presented the following report:

*Mr. President :*

The Committee on Public Expenditures, to whom was referred the memorial



of H. Gibbons, report the same back and recommend the indefinite postponement of the same.

A. FRENCH,  
Chairman.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed An Act for the payment of Officers holding Elections and for transmitting Returns thereof.

Also, An Act to enable the personal representatives and next of kin of persons deceased, to maintain Suits in certain cases.

G. W. COLBY,  
Chairman.

Mr. Hawks presented the following report:

*Mr. President:*

The San Francisco Delegation, to whom was re-committed Assembly bill No. 149, An Act concerning the Records in the office of the County Recorder of San Francisco County, have had the same under consideration, and report it back to the Senate, with amendments, recommending its passage as amended.

W. W. HAWKS.

Mr. French offered the following preamble and resolution:

*Whereas*, The Evening Journal, a newspaper published in San Francisco, contains an article, dated March 30, 1855, from Sacramento City, wherein the privilege of the Senate is assaulted, and its honor and dignity insulted by a scandalous attack upon the personal character and official conduct of Senators; therefore,

*Resolved*, That Mortimer Smith, the correspondent of said newspaper and author of the calumnious article mentioned, be declared unworthy of a reporter's place in the Senate Chamber; and that the Sergeant-at-Arms be instructed forthwith, to arrest him, the said Smith, and eject him from the portals of the Capitol.

Mr. Whiting moved to insert the letter "J" between the words "Mortimer" and "Smith."

Agreed to.

Mr. Whiting moved to lay the resolution upon the table and make it the special order for to-morrow, at 12 M.

Lost.

On its final passage, the ayes and noes were demanded by Messrs. French, Leake and Kendall, with the following result:

AYES.

Messrs. Burton, Crenshaw, Day, De La Guerra, French, Gove, Hall, Hawks,

Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Mahoney, Mandeville, McFarland, McGarry, McNeil, Norman, Peck, Rust, Scellen, Stebbins and Tuttle—25.

## NOES.

Messrs. Flint, May, McCoun, Moore and Whiting—5.

So the resolution was adopted.

The following message was received from the Assembly:

*Mr President :*

I am directed to inform the Senate that the Assembly, on the 30th ult., passed Senate bill No. 46, An Act concerning the duties of County Treasurer.

Also, Senate bill No. 59, An Act to provide for certifying and removing certain Cases from the Courts of this State to the United States Circuit Courts, and to remove, by Writ of Error, certain Cases from the Supreme Court of this State to the Supreme Court of the United States.

Also, Senate bill No. 156, An Act legalizing certain Records in Nevada County.

Also, passed on the 27th ult., Assembly bill No. 140, An Act for the Relief of H. B. & C. E. Paine.

Also, Assembly bill No. 252, An Act supplementary to and amendatory of an Act entitled an Act concerning Conveyances, passed April 16, 1850.

Also, bill No. 259, An Act to fix the compensation of the County Judges of Siskiyou and Klamath, and to repeal, in part, the first section of an Act entitled an Act to fix the compensation of County Judges of the Courts of Sessions, passed May 17, 1853

Also, passed on the 28th ult., Assembly bill No. 110, An Act supplementary to an Act entitled an Act to regulate Elections, passed March 23, 1850.

Also, bill No. 148, An Act relating to the safe-keeping of the Public Moneys.

Also, bill No. 245, An Act to protect the owners of growing crops, buildings and other improvements in the Mining Districts of this State.

Also, passed on 29th ult., Assembly bill No. 339, an Act to authorize the Board of Trustees of the City of San Diego to make regulations to prohibit the obstruction or placing of rubbish or filth or slaughtering of animals in the streets and alleys of that part of said City known as Old San Diego, and for sweeping and cleaning the Plaza thereof.

Also, passed Assembly bill No. 273, An Act amendatory of an Act to Incorporate Crescent City, passed April 13, 1854.

Also, passed on the 2d inst., Assembly bill No. 338, An Act to prevent the improper and criminal use of Deadly Weapons.

Also, passed on the 2d inst., Assembly Concurrent Resolution in relation to the bearing of the Constitution and Statutory Enactments in relation to Corporations affecting the free and unrestricted use of capital, and that a Committee of five members of the House, and four members of the Senate, be appointed, to whom shall be referred the matters involved in the resolution; and

have appointed, on the part of the House, Messrs. Ferrell, Burke, Farwell, Graves and Watkins.

Also, passed on 2d inst, Assembly bill No. 73, An Act to suppress Gaming.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 140, entitled an Act for the Relief of H. B. & C. E. Paine.

Read a first and second time and referred to the Committee on Claims.

Assembly bill No. 252, entitled an Act supplementary to and amendatory of an Act entitled an Act concerning Conveyances, passed April 16, 1850.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 259, entitled an Act to fix the compensation of the County Judges of Siskiyou and Klamath, and to repeal, in part, the first section of an Act entitled an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed May 17, 1853.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 110, entitled an Act supplementary to an Act entitled an Act to regulate Elections, passed March 23, 1850.

Read a first and second time, and referred to the Committee on Elections.

Assembly bill No. 148, entitled an Act relating to the safe-keeping of the Public Moneys.

Read a first and second time and referred to the Committee on Finance.

Assembly bill No. 245, entitled an Act to protect the owners of growing crops, buildings and other improvements in the Mining Districts of this State.

Read a first and second time and referred to the Committee on Mines and Mining Interests.

Assembly bill No. 339, entitled an Act to authorize the Board of Trustees of the City of San Diego to make regulations to prohibit the obstruction or placing of rubbish or filth or slaughtering of animals in the streets and alleys of that part of said City known as Old San Diego, and for sweeping and cleaning the Plaza thereof.

Read a first and second time and referred to the Senator from that District.

Assembly bill No. 273, entitled an Act amendatory of an Act entitled an Act to Incorporate Crescent City, passed April 13, 1854.

Read a first and second time and referred to the Committee on Corporations.

Assembly bill No. 338, entitled an Act to prevent the improper and criminal use of Deadly Weapons.

Read a first and second time and referred to the Committee on Public Morals and Police.

Assembly bill No. 73, entitled an Act to suppress Gaming.

Read a first and second time and referred to the Committee on Public Morals and Police.

Mr. Keene moved to take up the following Concurrent Resolution:

*Whereas*, Conflicting opinions obtain in relation to the bearing of the Constitution and of statutory enactments in relation to Corporations affecting the free and unrestricted use of capital; *and, whereas*, it is important that no unnecessary disabilities should exist deterring or prohibiting the legitimate use of capital in such ways as will most conduce to the welfare as well as the manifest

justice and present necessity of defining the liabilities of persons so using capital being clearly stated,

*Resolved*, (the Senate concurring), That a Committee of five members of the House and four members of the Senate be appointed, to whom shall be referred the matters foregoing, to report on the same, and to recommend such laws, or the amendment of existing ones, as may be required to meet the exigency and to unshackle capital to the fullest extent permitted by the Constitution of the State.

Agreed to.

Mr. Keene moved to amend the resolution by inserting "a Joint Committee of five persons from each House.

Mr. Norman moved to lay the resolution on the table.

Upon which the ayes and noes were demanded by Messrs. Norman, Keene and Tuttle, with the following result:

AYES

Messrs. Leake, Lippincott, Mandeville, May, McGarry and Norman—6.

NOES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, French, Gove, Hawthorne, Hook, Keene, McFarland, Moore, Peck, Rust, Scellen and Tuttle—16.

On motion, the amendment offered by Mr. Keene, and the resolution as amended, was concurred in.

The Chair appointed as such Committee Messrs. Tuttle, Whiting, Norman, Kendall and Crenshaw.

On motion of Mr. Leake, the Committee on Corporations were instructed to deliver Senate bill No. 165, entitled an Act amendatory of an Act entitled an Act concerning Corporations, to the above Committee.

Mr. May presented a bill entitled an Act for the Relief of Wm. M. Love.

Referred to the Committee on Claims.

The Chair announced that the hour for the special order of the day having arrived.

The Senate took up, as in Committee of the Whole, Senate bill No. 119, entitled an Act to provide for the payment of State Prison Inspectors.

After some time spent therein, the Committee rose, reported the bill back without any recommendation.

Mr. Keene moved to indefinitely postpone the further consideration of the same.

Mr. Leake moved to lay the motion to indefinitely postpone on the table.

Carried.

The bill, in consequence, was laid on the table.

Mr. Crenshaw gave notice that, at an early day, he will introduce a bill to exempt growing crops from execution.

The Senate then proceeded, as in Committee of the Whole, to take under consideration Senate bill No. 128, entitled an Act to recompense B. B. Redding and Geo. Kerr & Co. for work performed for the State of California during the year 1854.

After some time spent therein, the Committee rose, reported the bill back and recommended its passage.

The bill was then read a third time.



On its final passage, the ayes and noes were demanded by Messrs. Tuttle, Hawks and Hook, with the following result:

## AYES.

Messrs Colby, Crenshaw, Day, De La Guerra, Flint, Gove, Hall, Hawks, Hawthorne, Heintzelman, Kendall, Lippincott, Mahoney, May, McCoun, McGarry, McNeil, Moore, Norman, Peck, Rust, Seellen, Stebbins and Whiting—24.

## NOES.

Messrs. Burton, Hook, McFarland and Tuttle—4.

Mr. Burton moved to take up Senate bill No. 144, substitute for Assembly bill No. 189, entitled an Act to authorize the Tax Collector of the City of San Francisco to receive the legally issued Warrants of said City in payment for Taxes, Licenses and Debts due the City.

Lost.

The Senate then proceeded, as in Committee of the Whole, to take under consideration Senate bill No. 92, entitled an Act for making appropriations to defray the ordinary Civil Expenses of the Government of this State from the first day of February, A. D., 1855, to the first day of February, A. D., 1856.

After some time spent therein,

On motion of Mr. Burton, the Committee rose, reported the bill back, recommending the passage of the same as amended.

On motion of Mr. McFarland, the bill was ordered engrossed for a third reading to-morrow.

On motion, Senate bill No. 9, entitled an Act to encourage the construction of a Railroad and Telegraph Line from the Bay of San Francisco to the Eastern Line of this State, with branches thereto.

Made the special order for to-morrow.

On motion of Mr. Heintzelman, the Senate adjourned.

SAMUEL PURDY,

President of Senate.

C. DICKINSON,

Secretary of Senate.

## IN SENATE.

WEDNESDAY, April 4, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. Crenshaw presented a bill from proprietors of the Nevada Journal.

On motion, referred to the Committee on Contingent Expenses.

Mr. McFarland presented the following report:

*Mr. President:*

The Select Committee, to whom was referred Assembly bill No. 339, relating to the Trustees of the City of San Diego, report the same back, without amendment, and recommend its passage.

J. P. McFARLAND,

Chairman.

Mr. Mandeville presented the following report:

*Mr. President:*

The Committee on Claims, to whom was referred the petition of Richard C. Barry, praying for compensation for services rendered the State while acting as Justice of the Peace in Sonora, Tuolumne County, in the years 1850 and 1851, beg leave to make the following report:

Your Committee have examined the petition of Mr. Barry, as well as the affidavits accompanying the petition, by which it appears that in the years 1850 and 1851, Richard C. Barry was Justice of the Peace in Sonora, Tuolumne County. While acting as such Justice, a large number of foreign miners were arrested in accordance with the seventh and eighth sections of an Act for the better regulation of the Mines and the Government of Foreign Miners, and committed for a misdemeanor. It appears that some 1400 or 1500 foreigners were committed by Mr. Barry, for which he has received no pay. Believing, as your Committee do, that all those who labor for the State, in accordance with law, should be paid, we beg leave to report an Act for the Relief of Richard C. Barry to the Senate and recommend its passage.

J. W. MANDEVILLE,  
WILSON FLINT.

According to previous notice, Mr. Crenshaw introduced a bill for an Act entitled an Act to exempt Growing Crops from sale under Execution.

Read a first and second time and referred to the Committee on Agriculture.

Mr. Crenshaw also introduced a bill for an Act concerning the Escape of Convicts of the State Prison.

Read a first and second time and referred to the Committee on State Prison.

Mr. Crenshaw further introduced a bill for an Act to authorize the County Auditor of Nevada County to issue certain Bonds.

Read a first and second time and referred to the Delegation from Nevada.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, An Act making appropriations to defray the ordinary Civil Expenses of the Government of this State, from the first day of February, A. D., 1855, to the first day of February, A. D., 1856.

Also, An Act to recompense B. B Redding and Geo. Kerr & Co. for work performed for the State of California during the year 1854.

Also, An Act to provide for the purchase of the San Francisco Law Library for the use of the State.

G. W. COLBY,  
Chairman.

Leave being granted, Mr. Lippincott introduced a bill entitled an Act to fix the time for holding the Terms of the District Court in the Tenth Judicial District.

Read a first and second time and referred to the Judiciary Committee.

Leave being granted, Mr. Hall introduced a bill for an Act entitled an Act to encourage the working of Mines of precious metals in this State.

Read a first and second time and referred to the Committee on Mines and Mining Interests.

Mr. Norman introduced a bill entitled an Act to punish Vagrants, Vagabonds, and Dangerous and Supicious Persons.

On motion, was referred to the Committee on Public Morals and Police.

Mr. Whiting presented the following report:

*Mr. President:*

The Judiciary Committee have had under consideration Assembly bill No. 259, entitled an Act to fix the compensation of the County Judges of Siskiyou and Klamath, and to repeal, in part, the first section of an Act entitled an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed May 17, 1853, and have directed me to report the same back, without amendments, recommending that the same be passed.

B. C. WHITING,  
Chairman *pro tem*.

Mr. Whiting presented the following report:

*Mr. President:*

The Judiciary Committee have had under consideration Senate bill No. 163,

entitled an Act to amend an Act to regulate the settlement of the Estates of Deceased Persons, passed May 1, 1851, and have directed me to report the same back, without amendment, recommending its passage.

B. C. WHITING,  
Chairman *pro tem*.

Mr. Whiting presented the following report:

*Mr. President:*

The Judiciary Committee have had under consideration Assembly bill No. 19, entitled an Act concerning the Salaries of Officers and pay of the Members of the Legislature, and have directed me to report the same back, without amendment, for the consideration of the Senate.

B. C. WHITING,  
Chairman *pro tem*.

Mr. Whiting presented the following report:

*Mr. President:*

The Judiciary Committee have had under consideration Assembly bill No. 239, entitled an Act to amend an Act entitled an Act defining the time for commencing Civil Actions, and report the same back to the Senate and recommend that the fourth section be stricken out, and that the bill pass thus amended.

B. C. WHITING,  
Chairman *pro tem*.

The Senate took under consideration the bill last reported.

On motion of Mr. French, the same was made the special order for Tuesday next, at 12 M., and the usual number of copies ordered printed.

The President presented the following:

*To the Hon. the President and Senate of California:*

The undersigned would respectfully state that on the 29th of January, 1855, he was appointed by Mr. Cornwall one of the copying clerks to the Senate; that he has faithfully performed the duties of the same without receiving any compensation whatever, and, therefore, asks your honorable body that he be paid for the services he has rendered. That he has diligently applied himself to his duties, he refers to his associate clerks, Messrs. May, Bevin and Hawkins.

F. O'BRIEN.

Mr. May offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be instructed to audit and pay the account of F. O'Brien for services rendered.



Mr. French moved that the communication and resolution be referred to the Committee on Claims.

Agreed to.

Mr. Burton moved to take up Senate bill No. 137, entitled an Act to amend the Thirty-First Section of an Act entitled an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed May 11, 1851.

Agreed to.

The bill was then read a third time and passed.

Mr. Mandeville moved to take up Assembly bill No. 180, entitled an Act fixing the time for holding the several Courts authorized to be held by the County Judge in the County of Tuolumne.

Agreed to.

The bill was then read a third time and passed.

The President announced that the hour for the special order had arrived.

The Senate, as in Committee of the Whole, proceeded to consider Senate bill No. 9, entitled an Act to encourage the construction of a Railroad and Telegraph Line from the Bay of San Francisco to the Eastern Line of this State, with branches thereto.

After some time spent therein, reported the bill back, recommending its passage.

Mr. Crenshaw moved that the bill be engrossed for a third reading to-morrow.

Lost.

Mr. Leake moved to lay the bill on the table.

Lost.

Mr. Crenshaw submitted the following amendment to the tenth section:

*Provided*, that nothing contained in this Act shall donate or grant to said highest bidders, any lands within two miles of the City of San Francisco.

Mr. Mandeville offered the following as a substitute for the above:

*Provided*, that nothing in this Act shall be construed as donating or granting to the highest bidder any of the swamp and overflowed lands of this State within five miles of any incorporated town or city.

Mr. Day offered to amend by adding after the word "city," the words "incorporated previous to the passage of this Act."

Accepted.

Mr. Mahoney moved to amend by adding still further the words, "except such as are necessary for to lay a track to run the cars."

Agreed to.

The question then recurred on the adoption and passage of the substitute as amended.

Decided in the affirmative.

Mr. Kendall moved to strike out the enacting clause.

Upon which the ayes and noes were demanded by Messrs. Crenshaw, Tuttle and Whiting, with the following result:

AYES.

Messrs. Burton, Flint, French, Hawthorne, Hook, Keene, Kendall, Leake, Mandeville, May, McFarland, Norman, Peck and Tuttle—14.

## NOES.

Messrs. Colby, Crenshaw, Day, De La Guerra, Gove, Hall, Hawks, Heintzelman, Lippincott, Mahoney, McCoun, McGarry, McNeil, Moore, Rust, Seelen Stebbins and Whiting—18.

Mr. McFarland offered the following amendment:

*Provided further*, that any company hereafter organized in pursuance to the laws of this State, may be allowed to construct another road of a similar kind within one hundred feet of the road which it is contemplated under this Act."

Adopted.

Mr. Day offered the following amendment:

*Provided*, that nothing in this Act shall be construed to authorize the said railroad to be located upon the same ground hereafter located by any railroad company incorporated under the provisions of the general law of this State for incorporating railroad companies, passed April 22, 1853, and amended May 15, 1854, except for the purpose of crossing such previously located railroads.

Adopted.

Mr. Burton moved to amend the bill by extending the time for the bids to 1857 instead of 1855.

Mr. May moved to lay the bill on the table.

Lost.

The question recurring on the motion of Mr. Burton.

Agreed to.

Mr. Hawthorne moved to add to section eight the following:

*And provided further*, that such alternate sections shall not exceed thirty thousand acres.

Agreed to.

Mr. Kendall moved to strike out, in section seven, line seven, the words, "*provided*, that the roads and the property appertaining thereto shall be exempt from taxation or assessment for twenty years next succeeding the completion of the same."

Adopted.

Mr. French offered to amend after section six as follows:

*Provided*, that nothing in this Act shall be so construed as to grant or allow any company or companies to construct, build or use said railroads in front of the present corporation limits of the City of San Francisco or the City of Oakland.

Adopted.

On the motion that the bill be engrossed for a third reading to-morrow,

The ayes and noes were demanded by Messrs. Crenshaw, Tuttle and Norman, with the following result:

AYES.

Messrs. Colby, Crenshaw, Day, De La Guerra, Gove, Hall, Hawks, Hawthorne, Lippincott, McFarland, McNeil, Moore, Rust and Whiting—14.

NOES.

Messrs. Burton, Flint, French, Heintzelman, Hook, Keene, Kendall, Leake, Mahoney, Mandeville, May, McCoun, McGarry, Norman, Peck, Seellen, Stebbins and Tuttle—18.

So the motion was lost.

Mr. Moore gave notice that he will, at an early day, introduce a bill for an Act to amend an Act entitled an Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads.

Mr. Leake presented the following report:

*Mr. President :*

The Delegation from Calaveras and Amador, to whom was referred the bill for an Act to adjust the amount of Indebtedness of the County of Amador to the County of Calaveras, have had the same under consideration, and report the same back, with a substitute, and recommend its passage.

CHAS. A. LEAKE,  
W. B. NORMAN.

Second special order of the day, Assembly Concurrent Resolution relative to the adjournment of the Legislature.

Taken up, and,

On motion, laid on the table.

Mr. Mahoney offered the following resolution:

*Whereas*, As William M. Aspinwall, Esq., a gentleman eminently identified with the great and growing prosperity of California, has arrived in the State; therefore,

*Resolved*, As a mark of the Senate's appreciation of that gentleman's sterling worth and devotion to the interests of California, That the President of the Senate is hereby requested to invite Mr. Aspinwall to visit the Capitol.

Laid upon the table.

On motion of Mr. Kendall, the Senate adjourned.

SAM. PURDY,  
President of Senate.

C. DICKINSON,  
Secretary of Senate.

## IN SENATE.

THURSDAY, April 5, 1855.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. French presented the following report:

*Mr. President :*

The Committee to whom was referred the memorial of Major A. W. Bee, late Quartermaster of the Second El Dorado Expedition under the command of Maj. Wm. Rodgers, beg leave to make the following report:

Upon the examination of the books, papers and documents of Maj. Bee, relative to and in connection with the duties incumbent on him as Quartermaster of the said expedition, we find that Maj. Bee purchased and certified to the purchase of animals to the amount of \$19,060, for which he gave certificates of indebtedness as Quartermaster of said expedition. These certificates of indebtedness were subsequently paid by the Board of Examiners of Military War Claims.

There being no documentary evidence on file among the papers in the office of the Board of Examiners indicating the disposition made of said animals by Maj. Bee, your Committee has had recourse for information to the papers and documents remaining in the hands of Maj. Bee up to the time of making this report; also, to the testimony of a number of persons who have been more or less conversant with the affairs of the said expedition, and acquainted with the settlement made by the said Bee, with the proper and legally constituted authorities of State, of the affairs of said expedition as far as they appertained or related to the office of Quartermaster.

Although the papers and documents submitted to your Committee by Maj. Bee, elucidating the matter under investigation, are not *all* of the most satisfactory and complete character, and not being sufficiently perspicuous to exonerate him, still, taken in connection with the testimony of the persons before stated, that he did present to the Committee of the Legislature of 1852, certain papers and documents for settlement, which papers are either lost or mislaid, would, in the estimation of your Committee, clear him from all responsibility; all of said papers and documents together with the said testimony are annexed and made a part of this report.

Your Committee would further state, that, after a careful examination of the subject, that they find that said Quartermaster, A. W. Bee, did deliver and turn over into the possession of William Rodgers, Commander, and John Brown, Commissary of the said Second El Dorado Expedition, all the public property, consisting of animals, commissary stores, camp equipage, munitions of war, etc., which he had purchased at various times, for the use and during the time that the said expedition was in actual service, and did not reserve nor appropriate any part or parcel of the said public property for his own use or benefit, but turned the same over as above stated.



Your Committee further state, that after the troops composing the Second El Dorado Expedition were disbanded, forty of said animals were sold at public auction by order of Maj. Wm. Rodgers, and that said Bee had no interest, connection or participation, either directly or indirectly, with said sale, or in the proceeds thereof.

Your Committee have not sufficiently examined into the matter of the sale aforesaid, to determine who are accountable for the proceeds, and are not satisfied that the proceeds of said sale have been satisfactorily accounted for in any way.

In conclusion, your Committee would respectfully suggest that a resolution be adopted, authorizing the Board of Examiners of Military War Claims to receipt in full to the said A. W. Bee, exonerating him from all responsibility as Quartermaster of the Second El Dorado Expedition.

A. FRENCH,  
A. McNEIL,  
JNO. D. SCLELEN.

Mr. French moved that the Senate proceed to the consideration of the following resolution:

*Resolved*, That the Board of Examiners of Indian War Claims are hereby authorized to make a final settlement of the accounts of A. W. Bee, Quartermaster in the El Dorado Expedition against the Indians, and give him such discharge and receipt as the said Board shall, in their judgment, deem just and equitable.

Which, on motion of Mr. Keene, was adopted.

Mr. McGarry presented the following report:

*Mr. President :*

The Committee on Contingent Expenses, to whom was referred the account of Ferris Foreman, Postmaster, for \$350 90, for postage on letters and papers for the month of March, have had the same under consideration, find it correct, report the same back and recommend its payment.

EDW. MCGARRY,  
Chairman.

Adopted and the account ordered paid.

Mr. Flint presented the following report from the Committee on Claims:

*Mr. President :*

Your Committee have examined Assembly bill No. 123, for the Relief of the State Agricultural Society, and beg leave to report it back for the consideration of the Senate.

WILSON FLINT,  
Chairman.

Mr. McFarland presented the following report:

*Mr. President:*

The Committee to whom was referred Assembly bill No. 297, relative to the County Recorder of the County of San Diego, report the same back, without amendment, and recommend its passage.

J. P. McFARLAND,  
Chairman.

Mr. May presented the following report:

*Mr. President:*

The Committee appointed to examine and settle with the late Secretary, beg leave to report that the account upon the books of the Sergeant at-Arms was closed by the payment in full per diem, and that Mr. Cornwall furnished to the State Printer a copy of the Senate Journals up to February 13, inclusive, embracing 77000 words, for which he asks pay at the rate of forty cents per folio of 100 words, amounting to \$308.

All of which is respectfully submitted,

W. B. MAY,  
Chairman.

Mr. May presented the following resolution:

*Resolved*, That the Sergeant-at-Arms of the Senate be authorized to draw his warrant for three hundred and eight dollars in favor of W. A. Cornwall, late Secretary of the Senate.

Read and referred to the Committee on Claims.

Mr. Hall presented the following report:

*Mr. President:*

A majority of the Committee on Mines and Mining Interests instruct me to report to the Senate a bill entitled an Act to encourage the working of Mines of precious metals in this State, with a recommendation for its passage.

G. D. HALL,  
Chairman.

Mr. Whiting presented the following report:

*Mr. President:*

The Judiciary Committee have considered Senate bill No. 175, entitled an

Act to fix the time for holding the Terms of the District Court in the Tenth Judicial District, and report the same back and recommend its passage.

B. C. WHITING,  
Chairman *pro tem*.

The following message was received from the Assembly:

*Mr President :*

I am directed to inform the Senate that the Assembly passed, on the 31st March last, Assembly bills No. 342, An Act to prohibit the sale of Ardent Spirits within two miles of the State Prison.

No. 343, An Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in Courts of Justice of this State.

No. 242, An Act to Fund the Debt of the County of San Diego, and provide for the payment of the same.

Also, passed on yesterday, 3d inst., Assembly bills No. 108, An Act amendatory of and supplementary to an Act entitled an Act concerning Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

No. 255, An Act to define the Northern Boundary Line of Tulare County.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 342, entitled an Act to prohibit the sale of Ardent Spirits within two miles of the State Prison.

Taken up, read a first and second time, rules suspended, read a third time and passed.

Assembly bill No. 343, entitled an Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in Courts of Justice of this State.

Taken up, read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 108, An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Taken up, read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 255, entitled an Act to define the Northern Boundary Line of Tulare County

Read a first and second time and referred to the Committee on Counties and County Boundaries.

Assembly bill No. 242, An Act to Fund the Debt of the County of San Diego and provide for the payment of the same.

Taken up, read a first and second time and referred to the Senator from San Diego.

Mr. McFarland submitted the following report:

*Mr. President:*

The Select Committee have had under consideration Assembly bill to amend

an Act to create a Board of Supervisors for the County of San Diego, and report the same back with a recommendation that it pass.

J. P. McFARLAND,  
Chairman.

Mr. McGarry presented the account of the Democratic State Journal.

Read and referred to the Committee on Contingent Expenses.

Mr. Stebbins presented the account of L. W. Ransom for subscription to four copies of the Marysville Herald.

Read and referred to the Committee on Contingent Expenses.

Mr. Crenshaw submitted the following report:

*Mr. President:*

The Committee on State Prison have examined a bill entitled an Act concerning the Escape of Convicts of State Prison, and have instructed me to report the same back and recommend its passage.

JNO. T. CRENSHAW,  
Chairman.

The bill was then taken up, read a third time and passed.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, An Act to amend the Thirty-First Section of an Act entitled an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed May 11, 1854.

G. W. COLBY,  
Chairman.

Mr. Gove presented the following report:

*Mr. President:*

The Committee on Elections, to whom was referred Assembly bill No. 187, An Act amendatory of an Act, passed March 23, 1850, entitled an Act to regulate Elections, have had the subject under consideration, and report the same back to the Senate and recommend its passage.

All of which is respectfully submitted,

A. S. GOVE,  
W. H. McCOUN.

On motion of Mr. Kendall, Senate bill No. 153, substitute for Assembly bill No. 250, entitled an Act to provide for the settlement of the affairs of the



State Marine Hospital at San Francisco, and to dispose of the property belonging to the same, was taken up.

Amended, read a third time and passed.

Senate bill No. 92, entitled an Act making appropriations to defray the ordinary Civil Expenses of the Government of this State from the first day of February, A. D., 1855, to the first day of February, A. D., 1856.

Taken up, and,

On motion of Mr. Burton, re-committed to the Finance Committee.

Mr. Crenshaw called for the special order of the day, Senate bill No. 29, entitled an Act to discourage the Immigration to this State of persons who cannot become citizens thereof.

Mr. Leake moved to lay the bill upon the table.

Upon which the ayes and noes were demanded by Messrs. Leake, Tuttle and Crenshaw, with the following result:

#### AYES.

Messrs. Flint, Gove, Hawks, Keene, Leake, Mahoney, May, McCoun, McFarland, McGarry and Moore—11.

#### NOES.

Messrs. Burton, Crenshaw, Day, French, Hall, Hawthorne, Heintzelman, Hook, Lippincott, Mandeville, McNeil, Norman, Peck, Rust, Scellen, Stebbins and Tuttle—17.

So the Senate refused to lay the special order upon the table.

Mr. Hawks moved to make the bill the special order for Monday next, and that the usual number of copies be ordered printed.

Agreed to.

On motion of Mr. Leake, Senate bill No. 179, substitute for Senate bill No. 161, entitled an Act to adjust the amount of Indebtedness of the County of Amador to the County of Calaveras, and to provide for the payment thereof, was taken up.

Rules suspended, read a third time and passed.

On motion of Mr. McCoun, Assembly bill No. 197, entitled an Act supplementary to an Act to provide for the permanent location of the Seat of Government of the State of California, was taken up.

The Senate, as in Committee of the Whole, proceeded to the consideration of the same.

On motion of Mr. Keene, the Committee rose, reported the bill back without any recommendation.

Mr. Keene moved to indefinitely postpone the further consideration of the same.

Mr. Peck moved to lay the motion to indefinitely postpone upon the table.

Lost.

Mr. McCoun submitted the following amendment:

Amend by striking out first section, and insert, as section first: "The City of Sacramento shall be and remain the Seat of Government of the State of California until the first day of December, 1855. At the first general election after the passage of this Act, the said City of Sacramento and the City of Oakland shall be voted for by the qualified electors of the State. The voters

at said election may write or print upon their ballots, "For State Capital—Sacramento," or "For State Capital—Oakland;" and the place receiving the highest number of legal votes for State Capital at said election, shall thereupon become and remain on and after the first day of December, 1855, the permanent Seat of Government of the State of California."

Mr. McGarry moved to insert the word "Benicia" after the word "Sacramento."

Mr. McGarry then moved the previous question.

Sustained.

The question then being, "Shall the main question now be put?"

Decided in the affirmative.

The main question being on the amendment offered by Mr. McGarry.

Lost.

The question then recurred upon the amendment offered by Mr. McCoun.

The ayes and noes were demanded by Messrs. McCoun, Day and Peck, with the following result:

AYES.

Messrs. Day, Flint, Hall, Mahoney, May, McNeil, Moore, Norman, Peck, Stebbins, Tuttle and Whiting—12.

NOES.

Messrs. Burton, Colby, Crenshaw, De La Guerra, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, Mandeville, McCoun, McFarland, McGarry and Scellen—19.

So the amendment was lost.

The Chair then decided the main question to be the third reading of the bill.

Mr. Tuttle appealed from the decision of the Chair.

The question then being, "Shall the decision of the Chair stand as the judgment of the Senate?"

Decided in the negative.

Mr. Heintzelman moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Mandeville, Rust and Keene, with the following result:

AYES.

Messrs. Burton, Colby, Flint, Gove, Hall, Heintzelman, Hook, Leake, Mahoney, Mandeville, McCoun, McGarry, Peck, Scellen and Stebbins—15.

NOES.

Messrs. Crenshaw, Day, French, Hawks, Hawthorne, Keene, Kendall, Lippincott, May, McFarland, McNeil, Moore, Norman, Rust and Tuttle—15.

So the Senate refused to adjourn.

The question then recurred on the motion to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Crenshaw, Leake and May, with the following result:

AYES.

Messrs. Burton, Colby, Gove, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott McGarry, McNeil, Scellen and Tuttle—15.

NOES.

Messrs. Crenshaw, Day, Flint, French, Hall, Mahoney, Mandeville, May, McCoun, McFarland, Moore, Norman, Peck, Rust and Stebbins—15.

So the motion to indefinitely postpone was lost.

On motion of Mr. Mandeville, the Senate adjourned.

SAMUEL PURDY,

President of Senate.

C. DICKINSON,

Secretary of Senate.

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IN SENATE.

FRIDAY, April 6, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. Burton presented a petition from the ladies and gentlemen of Grass Valley, praying for the passage of a Prohibitory Liquor Law.

Referred to the Committee on Public Morals and Police.

Mr. Whiting presented the following resolution:

*Resolved*, That in commemoration of that great and solemn event, the crucifixion of the Saviour of mankind, an event that has been observed from the first ages of Christianity to the present day, by some of the most respectable religious denominations, the Senate do now adjourn to afford an opportunity for such members of this body as desire it, to attend the solemn and imposing services of good Friday.

Laid temporarily on the table.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed An Act concerning the Escapes of Convicts of the State Prison.

Also, An Act to provide for the settlement of the affairs of the State Marine Hospital at San Francisco, and to dispose of the property belonging to the same.

G. W. COLBY,  
Chairman.

Mr. Flint presented the following report from the Committee on Claims:

*Mr. President :*

Your Committee on Claims have examined the petition of Luther Wright and Senate bill No. 88, and beg leave to report it back for the consideration of the Senate.

WILSON FLINT,  
Chairman.

Mr. Flint presented the following report and resolution:

*Mr. President :*

The account of the Daily Evening Post, which was referred to the Committee on Claims, has been examined and found correct, and the Committee recommend the adoption of the accompanying resolution and report the same back.

WILSON FLINT.

*Resolved*, That the Sergeant-at-Arms be instructed to draw a Controller's Warrant out of the Contingent Fund, for ninety-nine dollars, in favor of Wm. Bevin, publisher of the Stockton Daily Evening Post.

Laid upon the table.

Mr. Norman presented the following report:

*Mr. President :*

Your Committee on Enrollment have examined and find correctly enrolled, the following bills, viz:

An Act to provide for certifying and removing certain Cases from the Courts of this State to the United States Circuit Courts, and to remove, by Writ of



Error, certain Cases from the Supreme Court of this State to the Supreme Court of the United States.

Also, An Act to legalize certain Records in the County of Nevada.

Also, An Act concerning the duties of County Treasurer.

W. B. NORMAN,  
Chairman.

Mr. Norman presented the following report :

*Mr. President:*

The Committee on Enrollment have this day presented to the Governor, for his approval, the following Acts:

An Act to provide for certifying and removing certain Cases from the Courts of this State to the United States Circuit Courts, and to remove, by Writ of Error, certain Cases from the Supreme Court of this State to the Supreme Court of the United States.

An Act to legalize certain Records in the County of Nevada.

An Act concerning the duties of County Treasurer.

W. B. NORMAN,  
Chairman.

Mr. Flint presented the following report and accompanying resolution:

*Mr. President:*

Your Committee on Claims have had under consideration the resolution for the payment of Mr. Frank O'Brien, employed by Mr. Cornwall as a Clerk, and recommend its passage.

WILSON FLINT.

*Resolved*, That the Sergeant-at-Arms be instructed to audit the accounts of F. O'Brien for services as clerk, for sixty-seven days, and to draw his warrant for \$804 for the same.

Laid on the table.

Mr. Flint presented the following report:

*Mr. President:*

Your Committee on Claims beg leave to report back the bill of Hiller & Andrews, and recommend it be referred to the Committee on Contingent Expenses.

WILSON FLINT.

Adopted and account referred.

Mr. Heintzelman submitted the following report:

*Mr. President:*

The Committee on Agriculture, to whom was referred Senate bill 178, An Act to exempt Growing Crops from sale under Execution, have had the same under consideration, and beg leave to report it back to the Senate and recommend its passage.

H. P. HEINTZELMAN.

Chairman.

Mr. Day presented the following report:

*Mr. President:*

The Committee on Internal Improvements, to whom was committed a bill for an Act to extend the time for announcing the construction of certain Railroads therein named, have had the same under consideration, and report the bill back and recommend the adoption of the accompanying amendments, and its passage as thus amended.

By order of the Committee,

S. DAY,

Chairman.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly passed, on yesterday, Assembly bills No. 244, An Act to provide for the survey and construction of a Wagon Road over the Sierra Nevada Mountains.

No. 274, An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Also, that the Assembly, yesterday, concurred in the amendment of the Senate to Assembly Concurrent Resolution relative to the bearing of the Constitution and of statutory enactments in relation to corporations affecting capital, etc.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate bill No. 33, a bill to amend an Act to regulate the settlement of the Estates of Deceased Persons, with amendments thereto annexed.

Also, Senate bill No. 42, An Act to supply a deficiency in the appropriation to provide for the Survey of a portion of the Northern Boundary of this State.

Also, Assembly bill No. 272, An Act to establish Pilots and Pilot Regulations for the Port of San Francisco.

Also, Assembly bill No. 278, An Act concerning the Organization of the Militia.

Also, Assembly bill No. 287, An Act concerning the County Judge of Sacramento County.

Also, Assembly bill No. 304, An Act to authorize the State Treasurer to issue a Duplicate School Land Warrant to George W. Coffee.

Also, Assembly bill No. 327, An Act to Incorporate the Town of El Dorado.

Also, Assembly bill No. 352, An Act to establish a permanent Boundary Line between the Counties of Stanislaus and Tuolumne.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 304, entitled an Act to authorize the State Treasurer to issue a Duplicate School Land Warrant to George W. Coffee.

Read a first and second time and referred to the Committee on Claims.

Assembly bill No. 272, entitled an Act amendatory of an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed May 11, 1854.

Read a first and second time and referred to the Committee on Commerce and Navigation.

Assembly bill No. 352, entitled an Act to establish a permanent Boundary Line between the Counties of Stanislaus and Tuolumne.

Read a first and second time and referred to the Committee on Counties and County Boundaries.

Assembly bill No. 287, entitled an Act concerning the County Judge of Sacramento County.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 327, entitled an Act to Incorporate the Town of El Dorado.

Read a first and second time and referred to the Committee on Corporations.

Assembly bill No. 278, entitled an Act concerning the Organization of the Militia.

Read a first and second time and referred to the Committee on Military Affairs.

Assembly bill No. 274, entitled an Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 244, entitled an Act to provide for the survey and construction of a Wagon Road over the Sierra Nevada Mountains.

Read a first and second time and referred to the Committee on Internal Improvements.

Senate bill No. 33, entitled an Act to regulate the settlement of the Estates of Deceased Persons.

Taken up, and,

On motion of Mr. Tuttle, Assembly amendment was concurred in.

Mr. Gove presented the following report:

*Mr. President :*

The Committee on Elections, to whom was referred Assembly bill No. 110, An Act supplementary to an Act entitled an Act to regulate Elections, passed March 23, 1850, have had the same under consideration, and report the same back to the Senate and recommend its immediate passage.

A. S. GOVE.

Mr. Colby presented the following report:

*Mr. President:*

The Committee to whom was referred An Act to legalize a certified copy of Book A of Records of Sacramento County, report the same back and recommend its passage.

G. W. COLBY,  
A. S. GOVE.

Mr. McGarry presented the following report:

*Mr. President:*

The Committee on Contingent Expenses, to whom was referred the account of B. B. Redding & Co., for copies of State Journal furnished Senators, (\$288 75) have had the same under consideration, and recommend the payment of \$236 25.

All of which is respectfully submitted,

EDW. MCGARRY,  
Chairman.

The report was adopted and account ordered paid.

Mr. Crenshaw submitted the following report:

*Mr. President :*

The Committee on the Judiciary have had under consideration the memorial of the Supreme Court asking power to employ a Secretary, and have drafted a bill, which is herewith presented, with a recommendation to the Senate that it pass.

JNO. T. CRENSHAW.

Mr. Tuttle submitted the following report:

*Mr. President :*

The Committee on Finance, to whom was referred Assembly bill No. 148,



entitled an Act relating to the safe-keeping of the Public Moneys, have had the same under consideration, and report it back without recommendation.

CHAS. A. TUTTLE,

Chairman *pro tem*.

According to previous notice, Mr. Moore introduced a bill entitled an Act to amend an Act entitled an Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads, passed May 12, 1853.

Read a first and second time and referred to the Committee on Corporations.

According to previous notice, Mr. Heintzelman introduced a bill entitled an Act to amend an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

Read a first and second time and referred to the Committee on Counties and County Boundaries.

According to previous notice, Mr. Day, introduced a bill entitled an Act to amend Section Eleven of an Act entitled an Act to provide for the Incorporation of Railroad Companies, passed April 22, 1853, and amended May 15, 1854.

Read a first and second time and referred to the Committee on Corporations.

According to previous notice, Mr. Tuttle introduced a bill entitled an Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in Courts of Justice of this State, passed April 29, 1851.

Read a first and second time and referred to the Judiciary Committee.

On motion of Mr. Hall, the special order of the day, Senate bill No. 113, entitled an Act to provide for the disposal of Swamp and Overflowed Lands granted to the State of California by the Act of Congress, approved September 28, 1850, etc., was taken up and made the special order for Monday next, at 12 M.

Mr. Day presented the following report.

*Mr. President:*

The undersigned, a Special Committee, to whom was referred An Act to define the Boundary between the Counties of Santa Clara and Alameda, and to provide for the survey of a portion thereof, has had the same under consideration, and herewith recommend its passage.

S. DAY,

Committee.

Mr. Burton moved to take up the following Assembly Concurrent Resolution:

*Resolved*, (by the Assembly, the Senate concurring,) That the two Houses of the Legislature will adjourn *sine die* on the sixteenth day of April, 1855.

Upon which the ayes and noes were demanded by Messrs. McFarland, Heintzelman and Burton, with the following result:

AYES.

Messrs. Burton, De La Guerra, Flint, Hawks, Hawthorne, McCoun, McFarland, Moore, Rust, Stebbins and Tuttle—11.

NOES.

Messrs. Crenshaw, Day, French, Gove, Hall, Heintzelman, Hook, Keene, Kencall, Leake, Lippincott, Mandeville, McGarry, McNeil, Norman, Peck, Scellen and Whiting—18.

So the Senate refused to take up the resolution.

Mr. Whiting moved to take up the resolution presented by himself, which had been temporarily laid on the table.

Mr. Flint moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Tuttle, Crenshaw and Whiting, with the following result:

AYES.

Messrs. Burton, Crenshaw, Flint, French, Gove, Hawks, Hawthorne, Kendall, Leake, Lippincott, McCoun, McGarry, Moore, Peck, Scellen, Stebbins and Whiting—17.

NOES.

Messrs. Day, De La Guerra, Heintzelman, Hook, Keene, Mandeville, McFarland, McNeil, Norman, Rust and Tuttle—11.

So the Senate adjourned.

SAM. PURDY,  
President of Senate.

C. DICKINSON,  
Secretary of Senate.

## IN SENATE.

SATURDAY, April 7, 1855.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Scellen presented petitions from citizens of Sierra County, praying for the passage of a Prohibitory Liquor Law.

Referred to the Committee on Public Morals and Police.

Mr. Keene gave notice that he will, on Monday, or at an early day thereafter, introduce a bill to amend an Act entitled an Act to provide for the Incorporation of Colleges, passed April 20, 1850.

Mr. McFarland submitted the following report:

*Mr. President :*

The Committee on Hospitals report back for the consideration of the Senate, Assembly bill No. 218, to amend an Act to establish an Asylum for the Insane of the State of California.

J. P. McFARLAND,  
Chairman.

Mr. McCoun gave notice that he will, at an early day, introduce a bill for an Act to establish Steam Ferriage on the Bay of San Francisco, and render San Antonio Creek navigable.

Mr. McFarland moved to take up Assembly resolution relative to the adjournment of both Houses of the Legislature on the sixteenth inst.

Mr. Leake moved a call of the Senate.

Lost.

On motion, leave of absence was granted to Senators Mahoney, Lippincott, Peck and Day.

Mr. Leake moved to lay the motion to take up the resolution on the table.

Upon which the ayes and noes were demanded by Messrs. Leake, Norman and French, with the following result:

AYES

Messrs. Colby, Crenshaw, French, Gove, Hall, Hawks, Heintzelman, Hook, Keene, Leake, Mandeville, May, Norman, Rust, Scellen and Whiting—16.

NOES.

Messrs. Burton, De La Guerra, Flint, Hawthorne, McCoun, McFarland, Moore, Stebbins and Tuttle—9.

So the Senate refused to take up the resolution.

Mr. Whiting presented the following report:

*Mr. President :*

The Judiciary Committee, to whom was referred Senate bill No. 138, entitled an Act to authorize S. D. Hill and G. Webber to construct a Toll-Bridge across the North Fork of Yuba River, with instructions to report upon the constitutionality of the bill, ask leave to report the same back, with an unanimous expression of the opinion of the Committee against the constitutionality of the bill, and recommend that the same be indefinitely postponed.

B. C. WHITING,  
Chairman *pro tem.*

Mr. Crenshaw presented the following report:

*Mr. President :*

The Special Committee, consisting of the Nevada Delegation, to whom was referred the Act to authorize the County Auditor of Nevada County to issue certain Bonds, have considered the same, and after having amended the same, recommend its passage as amended.

JNO. T. CRENSHAW,  
E. F. BURTON.

On motion of Mr. Hawks, the Senate took under consideration Assembly bill No. 149, entitled an Act concerning the Records in the office of the County Recorder of San Francisco.

Amendments concurred in.

Read third time and passed.

Mr. Rust offered the following resolution:

*Resolved,* That the State Printer is hereby authorized to print 3000 copies of the list of the decisions of the Board of United States Land Commissioners in the State rendered under the present administration.

Mr. French moved to lay the resolution on the table.

Upon which the ayes and noes were demanded by Messrs. Rust, Leake and May, with the following result:

• AYES.

Messrs. Burton, French, Hook, Leake, Mandeville, May, McGarry and Norman—8.

NOES.

Messrs. Colby, Crenshaw, De La Guerra, Flint, Gove, Hawthorne, Heintzelman, McCoun, McFarland, Moore, Rust, Scellen, Stebbins, Tuttle and Whiting—15.



So the motion to lay on the table was lost.

Mr. Mandeville moved to refer the resolution to the Committee on Printing.  
Lost.

Mr. Mandeville moved to make the resolution the special order for Monday,  
at 12 M.

Lost.

Mr. Tuttle offered the following amendment:

To insert after the word "Resolved" the words "Senate and Assembly concurring."

Accepted.

Mr. Crenshaw offered the following amendment:

To insert after the words "of decisions," the words "of the claims confirmed and rejected."

Accepted.

Mr. Moore offered the following amendment:

*Provided*, that the State Printer make no greater charge for this work than his prices under his contract to the State.

Accepted.

Mr. McFarland offered the following amendment:

*Provided*, that the publication shall only include the list of claims confirmed and rejected, giving the quantity and locality of the same.

Accepted.

Mr. Leake offered the following amendment:

*Provided, further*, that the amount charged shall not exceed eight hundred dollars.

Accepted.

Mr. Mandeville moved to refer the resolution to a Select Committee of three with instructions to report on Monday next.

Upon which the ayes and noes were demanded by Messrs. May, Leake and Mandeville, with the following result:

AYES.

Messrs. Burton, French, Hawthorne, Hook, Keene, Leake, Mandeville, May, McGarry, Scellen and Tuttle—11.

NOES.

Messrs. Colby, Crenshaw, De La Guerra, Flint, Gove, Heintzelman, Lippincott, McCoun, McFarland, Moore, Norman, Rust, Stebbins and Whiting—14.

So the motion to refer was lost.

On the passage of the resolution, as amended, the ayes and noes were demanded by Messrs. Leake, Whiting and French, with the following result:

AYES.

Messrs. Colby, Crenshaw, De La Guerra, Flint, Gove, Hall, Hawks, Heintzelman, Lippincott, Mandeville, May, McCoun, McFarland, Moore, Rust, Scellen, Stebbins and Whiting—18.

NOES.

Messrs. Burton, French, Hawthorne, Hook, Keene, Leake and Norman—7.

Mr. Norman gave notice that he would, on Monday, move a re-consideration of the vote just taken.

According to previous notice, Mr. Scellen introduced a bill entitled an Act to divide the State of California into Congressional Districts.

Read a first and second time and referred to the Judiciary Committee.

Mr. Flint, according to previous notice, introduced a bill entitled an Act to Re-Incorporate the City of San Francisco.

Read a first and second time and referred to the Committee on Corporations, and usual number of copies ordered printed.

Mr. May moved to take from the table the resolution ordering the payment of F. O'Brien for services rendered the State.

Agreed to.

On motion, the resolution was passed.

Mr. Leake moved to adjourn.

Lost.

Mr. Whiting moved to take up Concurrent Resolution relating to the adjournment of the Legislature on the 16th inst.

Mr. Mandeville moved a call of the Senate.

Lost.

Mr. Mandeville moved to adjourn.

Mr. Hall moved to amend by inserting, to adjourn until Tuesday next.

The Chair (Mr. Burton, decided that the motion was not in order.

Mr. Hall appealed from the decision of the Chair.

The question then being, "Shall the decision of the Chair stand as the judgment of the Senate?"

Decided in the affirmative.

Mr. Mandeville moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. McFarland, Hawks and Flint with the following result:

AYES.

Messrs. Crenshaw, French, Heintzelman, Hook, Leake, Mandeville, May, McGarry, Norman and Tuttle—10.

## NOES.

Messrs. Burton, Colby, De La Guerra, Flint, Gove, Hall, Hawks, Hawthorne, Keene, Lippincott, McCoun, McFarland, Moore, Scellen and Whiting—15.

So the Senate refused to adjourn.

Mr. Mandeville moved a call of the Senate.

Lost.

Mr. Mandeville moved that the Senate adjourn until Tuesday next, at 11 o'clock A. M.

Ruled out of order.

Mr. Mandeville appealed from the decision of the Chair.

The question then being, "Shall the decision of the Chair stand as the judgment of the Senate?"

Decided in the negative.

The question then recurred on the motion of Mr. Mandeville to adjourn until Tuesday next, at 11 A. M.

The ayes and noes were demanded by Messrs. Whiting, Hawks and Leake, with the following result:

## AYES.

Messrs. Colby, Crenshaw, De La Guerra, Flint, French, Hall, Hawthorne, Heintzelman, Leake, Lippincott, May, McCoun, Moore, Stebbins, Tuttle and Whiting—16.

## NOES.

Messrs. Burton, Gove, Hawks, Hook, Keene, Mandeville, McFarland, McGarry and Scellen—9.

So the Senate adjourned.

SAMUEL PURDY,

President of Senate.

C. DICKINSON,

Secretary of Senate.

## IN SENATE.

TUESDAY, April 10, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. Scellen presented a petition from citizens of Sierra County, praying for the passage of a Prohibitory Liquor Law.

Referred to the Committee on Public Morals and Police.

Mr. Kendall presented a petition from citizens of Tuolumne County and disputed territory against the new boundary line between Tuolumne and Stanislaus Counties.

Referred to the Committee on Counties and County Boundaries.

Mr. Mandeville presented a petition from citizens of Tuolumne County, against the new boundary line between Tuolumne and Stanislaus Counties.

Referred to the Committee on Counties and County Boundaries.

Mr. Hall presented a petition from the members of the Grand Jury of El Dorado County at its April session, relative to Chinese testimony.

Referred to the Judiciary Committee.

Mr. Flint presented the following report:

*Mr. President :*

Your Committee on Claims have examined Assembly bill No. 304, to authorize the State Treasurer to issue a Duplicate School Land Warrant to George W. Coffee, and beg leave to recommend its passage.

WILSON FLINT,  
Chairman.

Mr. Tuttle presented the following report:

*Mr. President :*

The Committee on Finance, to whom was referred Senate bill No. 92, entitled an Act making appropriations to defray the ordinary Civil Expenses of the Government of this State from the first day of February, A. D., 1855, to the first day of February, A. D., 1856, have had the same under consideration, and report it back, with the accompanying amendments, and recommend its passage.

C. A. TUTTLE,  
Chairman.

Mr. Colby presented the following report:



*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, a Concurrent Resolution in regard to the printing of 3000 copies of the list of the decisions of the Claims confirmed and rejected of the Board of United States Land Commissioners in this State.

Also, a bill to amend an Act to regulate the settlement of the Estates of Deceased Persons.

G. W. COLBY,  
Chairman.

Mr. French made a verbal report from the Committee on Public Expenditures on Senate bill No. 64, entitled an Act for the settlement of the account of Abram T. Melvin for furniture furnished Capitol building and carpenter work, and recommend that the same be indefinitely postponed.

Agreed to.

Mr. McNeil presented the following report:

*Mr. President:*

The Committee on Public Morals and Police, to whom was referred Senate bill No. 94, An Act to prohibit the Sale of Spirituous and Intoxicating Liquors, and Assembly bill No. 62, An Act to prohibit the Sale and Manufacture of Spirituous and Intoxicating Liquors, have had the same under consideration, and report a substitute for the two bills, and recommend its passage.

A. McNEIL,  
Chairman.

Mr. McNeil submitted the following report:

*Mr. President:*

The Committee on Public Morals and Police, to whom was referred Senate bill No. 174, An Act to punish Vagrants, Vagabonds, and Dangerous and Suspicious Persons, have considered and amended the same and recommend its passage as amended.

A. McNEIL,  
Chairman.

Mr. McNeil presented the following report:

*Mr. President:*

The Committee on Public Morals and Police, to whom was referred Assembly bill No. 73, An Act to suppress Gaming, have had the same under consideration, and report the same to the Senate, without amendment, and recommend its passage.

A. McNEIL,  
Chairman.

Mr. McNeil presented the following report:

*Mr. President:*

The Committee on Public Morals and Police, to whom was referred Assembly bill No. 338, An Act to prevent the improper and criminal use of Deadly Weapons, have had the same under consideration, and report the same to the Senate, without amendment, and recommend its passage.

A. McNEIL,  
Chairman.

Mr. Keene presented the following report:

*Mr. President :*

The Committee on Public Lands have had under consideration Senate bill No. 143, entitled an Act to provide for the selection of Lands donated by the United States to the State of California for the support of Common Schools and for the erection of Public Buildings, and recommend the accompanying substitute in lieu thereof, and earnestly recommend its passage.

B. F. KEENE,  
Chairman.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, }  
Sacramento, April 9, 1855. }

*To the Senate of California:*

The following Acts, which originated in the Senate, have been by me approved, viz :

On the 6th inst., An Act entitled an Act concerning the duties of County Treasurer.

On the 7th inst., An Act entitled an Act to legalize certain Records in Nevada County.

And, on the 9th inst., An Act entitled an Act to provide for certifying and removing certain Cases from the Courts of this State to the United States Circuit Courts, and to remove, by Writ of Error, certain Cases from the Supreme Court of this State to the Supreme Court of the United States.

JOHN BIGLER.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly have, this day, adopted the accompanying Concurrent Resolution relative to the correction of an error

in the Fee Bill, which passed both Houses some few days since, in which they respectfully request the concurrence of the Senate.

J. M. ANDERSON,

Clerk of Assembly.

On motion, the resolution was concurred in.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly, on yesterday, passed Senate bill No. 116, An Act for the Relief of B. Wing and W. H. Williamson.

L. B. HOPKINS,

Deputy Clerk of Assembly.

According to previous notice, Mr. McCoun presented a bill entitled an Act to establish Steam Ferriage on the Bay of San Francisco, and render San Antonio Creek navigable.

Read a first and second time and referred to the Committee on Commerce and Navigation.

According to previous notice, Mr. Keene introduced a bill entitled an Act to provide for the Incorporation of Colleges, passed April 20, 1850.

Read a first and second time.

Rules suspended.

Read third time and passed.

According to previous notice, Mr. Colby introduced a bill entitled an Act supplementary to an Act entitled an Act to amend and supplementary to an Act entitled an Act to Incorporate the City of Sacramento, passed March, 1851, approved March 31, 1855.

Referred to the Sacramento Delegation.

According to previous notice, Mr. Mandeville moved to re-consider the vote on the passage of the resolution authorizing the publication of the decisions of the United States Land Commissioners.

Mr. McFarland moved to lay the motion to re-consider upon the table.

Upon which the ayes and noes were demanded by Messrs. Leake, French and McFarland, with the following result:

AYES.

Messrs. Crenshaw, Day, De La Guerra, Flint, Gove, Hall, Kendall, McCoun, McFarland, McNeil, Moore, Rust and Stebbins—13.

NOES.

Messrs. Burton, French, Hook, Leake, Mandeville, May, Norman, Scellen, Sprague and Tuttle—10.

So the motion to re-consider was laid on the table.

According to previous notice, Mr. Kendall introduced a bill entitled an Act

appropriating moneys for the benefit of the Orphan Asylums of the City of San Francisco.

Read a first and second time and referred to the Committee on Finance.

On motion of Mr. McCoun, the Senate took under consideration Senate bill No. 130, entitled an Act for the settlement of the account of F. J. A. Chambers & Co., for furnishing Capital Building at Vallejo in December, A. D., 1851.

On motion of Mr. McGarry, was referred to the Committee on Claims.

Mr. Norman presented the following report:

*Mr. President:*

The Joint Committee on Enrollment have had under consideration the following Concurrent Resolution which passed the Senate this day, viz:

*Resolved*, That the Enrolling Committee of the Assembly be instructed to meet the Committee on Enrollment in the Senate, and correct the enrolled copy of the Fee Bill so as to make the fifty-eighth section refer intelligibly to the fifty-first section and fifty-second section, instead of the twelfth and thirteenth as now enrolled.

Your Committee respectfully suggest that they have examined the above Fee Bill, find it correctly enrolled, and report accordingly.

Your Committee would further suggest, that if there are any errors in the Fee Bill, or if it is unintelligible in any part, that the authors of the bill are accountable for it, and not the Enrolling Committee, as would appear from the above resolution; therefore, your Committee respectfully decline to act as instructed by the resolution.

W. B. NORMAN,  
Chairman Senate Committee.

H. B. MEREDITH,  
Chairman Assembly Committee.

• Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, An Act for the Relief of B. Wing and W. H. Williamson.

G. W. COLBY,  
Chairman.

Leave being granted, Mr. Hawks presented a petition from Jas. Austin for relief.

Referred to the Committee on Claims.

Mr. Leake moved to take up Senate bill No. 134, entitled an Act to punish Vagrants, Vagabonds, and Dangerous and Suspicious Persons.

Lost.

On motion of Mr. Whiting, the Senate took up Assembly bill No. 239, en-



titled an Act to amend an Act entitled an Act defining the time for commencing Civil Actions, passed April 22, 1850.

Mr. Heintzelman moved that the bill be indefinitely postponed.

Mr. Leake moved to lay the bill on the table.

Lost.

On motion of Mr. Burton, the fourth section of the bill was stricken out.

Mr. Hawks moved to amend the third section by striking out, in the first line, the word "no" and insert the word "any."

Mr. Moore moved to amend the amendment by inserting after the word "any" the word "peaceable."

Adopted.

Mr. McFarland called for a division of the question.

The question then being on the motion to strike out.

The ayes and noes were demanded by Messrs. May, French and Heintzelman, with the following result:

#### AYES.

Messrs. Colby, Crenshaw, Day, De La Guerra, French, Gove, Hall, Hawks, Heintzelman, Hook, Keene Kendall, Leake, Lippincott, May, Moore, Norman, Peck, Rust, Sprague and Whiting—21.

#### NOES.

Messrs. Burton, Flint, Mandeville, McCoun, McFarland, McGarry, McNeil, Scellen and Tuttle—9.

So the motion to strike out was carried.

The question then recurred upon the adoption of the amendment.

Adopted.

Mr. French moved to re-commit the bill to the Judiciary Committee.

Decided out of order.

Mr. Whiting offered the following substitute to the eight section:

Section 3. Section eight of said Act is hereby amended so as to read as follows:

Any peaceable entry upon real estate shall be deemed sufficient valid as a claim unless an action be commenced by the plaintiff in ejectment thereupon within one year after the making such entry, or within five years from the time when the right to bring such action occurred, or within five years after the final confirmation by the United States of any title from Spain or Mexico.

Adopted.

Mr. Sprague moved to strike out in the substitute the word "thereupon."

Carried.

Mr. Day moved to strike out the word "one year," in section three, and insert "five years."

Lost.

Mr. Heintzelman offered the following additional section:

Section 4. The provisions of this Act shall not apply to actions for the recovery of real estate within the limits of any city or incorporated town.

Lost.

Mr. French moved to re-commit the bill to the Judiciary Committee.

Lost.

Mr. Mandeville moved the previous question.

Mr. Kendall moved a call of the Senate.

Lost.

The previous question was sustained.

The question then being, "Shall the main question now be put?"

Decided in the affirmative.

On the motion to re-commit the bill, the ayes and noes were demanded by Messrs. French, May and Keene, with the following result:

AYES.

Messrs. Colby, French, Gove, Heintzelman, Hook, Kendall, Leake and Mandeville—8.

NOES.

Messrs. Burton, Crenshaw, Day, De La Guerra, Flint, Hall, Hawks, Lippincott, May, McCoun, McFarland, McGarry, McNeil, Moore, Norman, Peck, Rust, Scellen, Tuttle and Whiting—20.

So the motion to re-commit was lost.

On the final passage of the bill, the ayes and noes were demanded by Messrs. McFarland, Flint and Tuttle, with the following result:

AYES.

Messrs. Burton, Crenshaw, Day, De La Guerra, Flint, Hall, Hawks, Hook, Kendall, Leake, Lippincott, Mandeville, May, McCoun, McFarland, McGarry, McNeil, Norman, Peck, Rust, Scellen, Stebbins and Whiting—23.

NOES.

Messrs. Colby, French, Gove, Heintzelman, Sprague and Tuttle—6.

Mr. Kendall moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Kendall, Scellen and Hook, with the following result:

AYES.

Messrs. Colby, Crenshaw, French, Mandeville and McGarry—5.

NOES.

Messrs. Burton, Day, Flint, Gove, Hawks, Heintzelman, Hook, Keene, Ken-

dall, Leake, Lippincott, May, McCoun, McFarland, McNeil, Norman, Peck, Rust, Scellen, Sprague, Stebbins and Tuttle—22.

So the Senate refused to adjourn.

Mr. McFarland moved to take up Assembly resolution relative to the adjournment of both Houses of the Legislature.

Upon which the ayes and noes were demanded by Messrs. May, Keene and McFarland, with the following result:

AYES.

Messrs. Burton, Day, Flint, Hall, Hawks, Lippincott, McCoun, McFarland, McNeil, Moore, Norman, Peck, Rust, Sprague, Stebbins and Tuttle—16.

NOES.

Messrs. Colby, Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McGarry, Scellen and Whiting—14.

So the resolution was taken up.

Mr. Crenshaw moved to amend the resolution by inserting "first Monday in May" instead of the 16th of April.

Mr. Norman moved the previous question.

Sustained.

The question then being, "Shall the main question now be put?"

Decided in the affirmative.

On the passage of the amendment offered by Mr. Crenshaw to insert first Monday in May, in place of 16th of April.

The ayes and noes were demanded by Messrs. Tuttle, May and Leake, with the following result:

AYES.

Messrs. Crenshaw, Day, French, Gove, Hall, Hawks, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McCoun, McFarland, McNeil, Norman, Peck, Scellen, Stebbins and Whiting—21.

NOES.

Messrs. Burton, Flint, McGarry, Moore, Rust, Sprague and Tuttle—7.

So the motion to insert first Monday in May was carried.

On motion of Mr. McFarland, the resolution as amended was adopted.

On motion of Mr. May, the report of the Committee on Claims, to whom was referred the account of Mr. Bevin, was taken up.

On motion of Mr. McGarry, was referred to the Committee on Contingent Expenses.

Mr. Crenshaw moved to take up Senate bill No. 178, entitled an Act to exempt Growing Crops from sale under Execution.

Agreed to.

On motion, it was referred to the Judiciary Committee.

Mr. McGarry presented an account of A. T. Melvin for furnishing Committee Rooms.

Referred to Committee on Public Expenditures.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly have passed the following bills, viz:

Senate bill No. 128, An Act to recompense B. B. Redding and Geo. Kerr & Co. for work performed for the State of California during the year 1854.

Also, Senate bill No. 56, An Act to authorize the Controller of State to issue a Duplicate Warrant to S. H. Marlette.

Also, Senate bill No. 129, An Act to provide for paying the outstanding Indebtedness of the County of Santa Clara.

Also, Assembly bill No. 121, An Act for securing Liens to Mechanics and others.

Also, Assembly bill No. 223, An Act to authorize the construction of a Bridge across Mission Creek.

Also, Assembly bill No. 243, An Act amendatory of and supplementary to an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850.

Also, Assembly bill No. 253, An Act for the Relief of Citizens in Klamath County who have been engaged in subduing Indian hostilities in said County.

Also, Assembly bill No. 341, An Act to amend an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854.

Also, Assembly bill No. 291, An Act concerning Orphans.

Also, Assembly bill No. 355, An Act to provide for the appointment of a Reporter for the Decisions of the Supreme Court, and for the publication of the same.

Also, Assembly bill No. 257, An Act to amend an Act entitled an Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin, approved May 12, 1853.

Also, Assembly bill No. 356, An Act concerning the punishment for Robbery and Grand Larceny.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 121, entitled an Act for securing Liens to Mechanics and others.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 223, entitled an Act to authorize the construction of a Bridge across Mission Creek.

Read a first and second time and referred to the Committee on Commerce and Navigation.

Assembly bill No. 243, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1854.



Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 253, entitled an Act for the Relief of Citizens of Klamath County who have been engaged in subduing Indian hostilities in said County.

Read a first and second time and referred to the Committee on Claims.

Assembly bill No. 341, entitled an Act to amend an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854.

Read a first and second time and referred to the Committee on Finance.

Assembly bill No. 291, entitled an Act concerning Orphans.

Read a first and second time and referred to the Committee on Public Morals and Police.

Assembly bill No. 355, entitled an Act to provide for the appointment of a Reporter of the Decisions of the Supreme Court, and for the publication of the same.

Read a first and second time and referred to the Committee on the Judiciary.

Assembly bill No. 257, entitled an Act to amend an Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin, approved May 12, 1853.

Read a first and second time and referred to the Committee on Commerce and Navigation.

Assembly bill No. 356, entitled an Act concerning the punishment for Robbery and Grand Larceny.

Read a first and second time and referred to the Judiciary Committee.

Mr. McGarry presented the account of the Alta California newspaper.

Referred to the Committee on Contingent Expenses.

Mr. Mandeville moved to take up Assembly bill No. 65, An Act for taking the Census.

Agreed to.

Mr. French moved to lay the bill on the table.

Lost.

On motion, the bill was made the special order for Monday next, at 12 M.

Mr. Keene offered the following resolution:

*Resolved*, That the Select Committee, to whom was referred the memorial of Albert W. Bee, who have visited the City of San Francisco in the discharge of their duties on said Committee, be and they are allowed mileage for the same.

Adopted.

On motion of Mr. Day, the Senate, as in Committee of the Whole, took under consideration Senate bill No. 164, entitled an Act to extend the time for commencing the construction of certain Railroads herein named.

After some time spent therein, rose, reported the bill back and recommended its passage as amended.

The amendments in Committee were then concurred in.

Bill read a third time and passed.

Mr. May moved to adjourn.

Lost.

Mr. Hawks presented the following report:

*Mr. President:*

The Committee on Commerce and Navigation, to whom was referred A ssem-

bly bill No. 272, for an Act amendatory of an Act entitled an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed May 11, 1854, have had the same under consideration, and report it back to the Senate, without amendments, recommending its passage.

W. W. HAWKS.

On motion of Mr. Hawks, the bill was read a third time and passed.

Mr. Gove moved to take up Assembly bill No. 275, entitled an Act to legalize a certified copy of Book A of Records of Sacramento County.

Agreed to.

The bill read a third time and passed.

Mr. McGarry moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. May, Keene and Rust, with the following result:

AYES.

Messrs. Crenshaw, Flint, Hawks, Heintzelman, Lippincott, Moore, Peck, Scellen and Whiting—9.

NOES.

Messrs. Burton, Day, French, Hall, Hook, Keene, Leake, May, McCoun, McFarland, McGarry, McNeil, Norman, Rust, Sprague and Tuttle—16.

So the Senate refused to adjourn.

Mr. May moved a call of the Senate.

Lost.

On motion of Mr. Leake, the Senate adjourned.

SAM. PURDY,

President of Senate.

C. DICKINSON,

Secretary of Senate.

## IN SENATE.

WEDNESDAY, April 11, 1855.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, An Act amendatory of an Act to provide for the Incorporation of Colleges, passed April 20, 1850.

Also, An Act to extend the time for commencing the construction of certain Railroads herein named.

G. W. COLBY,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have considered Assembly bill No. 40, entitled an Act amendatory of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, and have directed me to report the same back, with sundry amendments, recommending its passage as amended.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have considered Assembly bill No. 24, entitled an Act to provide for the Registry of the names of legally qualified Voters in the City and County of San Francisco prior to being permitted to vote at any general or municipal election, and have directed me to report the same back, without amendments, recommending its indefinite postponement.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 178, entitled an Act to exempt Growing Crops from sale under Execution, and have directed me to report the same back, with a substitute, recommending the passage of the substitute.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have considered Assembly bill No. 356, entitled an Act concerning the punishment for Robbery and Grand Larceny, and have directed me to report the same back, with a substitute, and recommend the passage of the substitute.

R. T. SPRAGUE,  
Chairman.

Mr. Burton presented the following report:

*Mr. President :*

Your Committee to whom was referred Assembly bill No. 245, An Act to protect the owners of growing crops, buildings and other improvements in the Mining Districts of this State, have had the same under consideration, and report a substitute, and recommend it to the consideration of the Senate.

E. F. BURTON.

Mr. Burton submitted the following report:

*Mr. President :*

Your Committee, to whom was referred Senate bill No. 121, An Act to prohibit all persons of Foreign birth who are not eligible to citizenship from working or occupying the Mineral Lands of this State, and Senate bill No. 70, for the better preservation of the Gold Mines of California, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend their indefinite postponement.

E. F. BURTON.

Mr. Leake presented the following report:



*Mr. President:*

Your Committee on Counties and County Boundaries have had under consideration Senate bill No. 180, report it back and recommend its passage.

CHAS. A. LEAKE,  
E. T. PECK,  
C. E. LIPPINCOTT.

Mr. Tuttle presented a petition from Mr. J. F. Howe, Ex-Secretary of the Senate, praying for recompense for past services.

Read and referred to the Committee on Claims.

Mr. Norman presented the following report :

*Mr. President:*

Your Committee on Enrollment have examined and find correctly enrolled the following bills, viz:

An Act to supply a deficiency in the appropriation to provide for the Survey of a portion of the Northern Boundary of this State.

An Act to recompense B. B. Redding and Geo. Kerr & Co. for work performed for the State of California during the year 1854.

An Act to authorize the Controller of State to issue a Duplicate Warrant to S. H. Marlette.

An Act for the Relief of B. Wing and W. H. Williamson.

W. B. NORMAN,  
Chairman.

Mr. Norman presented the following report:

*Mr. President:*

The Committee on Enrollment have, this day, presented to the Governor, for his signature, the following Acts:

An Act to supply a deficiency in the appropriation to provide for the Survey of a portion of the Northern Boundary of this State.

An Act to recompense B. B. Redding and Geo. Kerr & Co. for work performed for the State of California during the year 1854.

An Act to authorize the Controller of State to issue a Duplicate Warrant to S. H. Marlette.

An Act for the Relief of B. Wing and W. H. Williamson.

W. B. NORMAN,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President :*

I have considered Assembly bill No. 109, entitled an Act to extend an Act for the protection of Game, passed May 1, 1852, to the Counties of Shasta and Trinity, and recommend its passage without amendment.

R. T. SPRAGUE,  
Chairman.

The bill was then taken up.  
Amendments concurred in.  
Read a third time and passed.

Mr. Whiting presented the following report:

*Mr. President :*

The Committee on Corporations have had under consideration Assembly bill No. 327, An Act to Incorporate the Town of El Dorado, and report the same back, without amendment, for the consideration of the Senate. Your Committee would respectfully call the attention of the Senate to an Act to provide for the Incorporation of Towns, passed March 27, 1850.

B. C. WHITING,  
Chairman.

Mr. Whiting presented the following report:

*Mr. President:*

The Select Committee, to whom was referred Senate bill No. 145, An Act to provide for settling the Boundary Line between the Counties of Santa Cruz, Santa Clara and San Francisco, ask leave to report the same back, without amendments, and recommend its passage.

B. C. WHITING,  
Chairman.

On motion, the Senate took up Senate bill No. 182, entitled an Act to authorize the Judges of the Supreme Court to employ a Secretary.

Read a first and second time and laid on the table.

On motion of Mr. Hawks, the Senate took up Senate bill No. 58, entitled an Act concerning Ejectments.

The following amendment to section one, second line, from the Judiciary Committee, was concurred in:

Insert after the word "Government" the words "of Mexico or Spain."

Mr. Mandeville moved to strike out the second section.

Mr. McFarland moved to lay the bill on the table.

Mr. Heintzelman moved a call of the Senate.

Sustained.

The following Senators were found absent without leave:

Messrs. Kendall, Leake, Mahoney, Stebbins, and Whiting.

Mr. Flint asked leave of absence for Mr. Mahoney.

Granted.

Mr. Tuttle moved that further proceedings under the call be dispensed with. Agreed to.

On the motion to lay the bill on the table, the ayes and noes were demanded by Messrs. Heintzelman, Gove and Hawks, with the following result:

AYES.

Messrs. Barton, De La Guerra, Flint, Mandeville, McCoun, McFarland, McNeil, Scellen and Tuttle—9.

NOES.

Messrs. Colby, Crenshaw, Day, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Keene, May, Norman, Rust, Sprague and Whiting—15.

So the motion to lay on the table was lost.

On the motion to strike out the second section, the ayes and noes were demanded by Messrs. McFarland, Flint and McCoun, with the following result:

AYES.

Messrs. Barton, Day, De La Guerra, Flint, Hall, Mandeville, McCoun, McFarland, McGarry, McNeil and Scellen—11.

NOES.

Messrs. Colby, Crenshaw, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Keene, Leake, May, Norman, Rust, Sprague and Whiting—15.

So the motion to strike out was lost.

Mr. De La Guerra moved to insert after the word "either" the words "of Mexico."

Adopted.

Mr. Day moved to amend section five, after the word "jury," in line five, by inserting the words "together with interest thereon at the legal rate from the date of said entry, and all taxes paid by the plaintiff on said premises subsequently to the entry of the defendant, with interest thereon."

Mr. McFarland moved to strike out the word "land" in eighth line.

Lost.

Mr. Sprague moved to amend section four by inserting after the word "section," in fourth line, the following:

The Jury shall also find the value of the improvements made by the defendant, the value of the land without the improvements, the value of the use of the land, the taxes paid by the plaintiff upon the land, since the entry of defendant.

Adopted.

Mr. Day moved a proviso to the sixth section, by adding to the end of sixth section the words, "*provided*, that the provision of this section shall not apply to plaintiffs under Spanish or Mexican titles."

Adopted.

Mr. Norman moved the previous question.

Lost.

Mr. Norman moved to adjourn.

Lost.

Mr. Norman moved to lay the bill on the table.

Lost.

Mr. Norman moved to postpone the same until Monday next.

Lost.

Mr. Norman moved to adjourn.

Lost.

Mr. Tuttle moved to insert in section six, line six, after the word "year," the words, "or if it appears that the plaintiff claims more than one hundred and sixty acres."

Adopted.

Mr. Norman moved the previous question.

Lost.

Mr. Burton moved to strike out the enacting clause.

Mr. Tuttle moved the previous question.

Sustained.

The question then being on striking out the enacting clause.

The ayes and noes were demanded by Messrs. McFarland, Keene and Heintzelman, with the following result:

AYES.

Messrs. Burton, De La Guerra, Flint, Mandeville, McCoun, McFarland, McNeil and Scellen—8.

NOES.

Messrs. Colby, Crenshaw, Day, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Keene, Kendall, Leake, May, McGarry, Norman, Rust, Sprague, Tuttle and Whiting—19.

So the motion to strike out was lost.

The question then being, "Shall the bill be engrossed for a third reading?"

The ayes and noes were demanded by Messrs. May, Tuttle and Keene, with the following result:

AYES.

Messrs. Colby, Crenshaw, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Norman, Rust, Sprague, Tuttle and Whiting—16.

NOES.

Messrs. Burton, Day, De La Guerra, Flint, Mandeville, May, McCoun, McFarland, McGarry, McNeil and Scellen—11.



So the bill was ordered engrossed.

Mr. McFarland moved to take up the appropriation bill.  
Lost.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT. }  
Sacramento, April 11, 1855. }

*To the Senate of California:*

An Act entitled an Act to authorize the Controller of State to issue a Duplicate Warrant to S. H. Marlette, is herewith returned for correction.

It will be seen that an error has been committed either in the engrossment or enrollment of the bill, as there exists a discrepancy between the title of the Act and the first and second sections of the same, as to the name of the person to whom the duplicate warrant is to be issued by the Controller of State. The *title* sets forth that the warrant is to be issued to "S. H. Marlette," and the first and second sections require the Controller to issue in the name of "S. H. Marlette."

JOHN BIGLER.

Mr. Norman offered the following resolution:

*Resolved*, That the word "title," in the Governor's message which has just been read, shall be so construed as to mean "title."

The Chair (Mr. McGarry) decided the resolution out of order.

Mr. Norman appealed from the decision of the Chair.

The question then being, "Shall the decision of the Chair stand as the judgment of the Senate?"

Decided in the affirmative.

So the resolution was lost.

Mr. May moved to take up Assembly bill No. 259.

Lost.

Mr. Whiting moved to reconsider the vote by which Assembly bill No. 275, relative to Book A of the Records of Sacramento County was passed.

Agreed to.

Mr. McFarland moved to re-consider the vote by which it passed to its third reading.

Agreed to.

The following message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT. }  
Sacramento, April 11, 1855. }

*To the Senate of California:*

I have this day approved the following Acts which originated in the Senate, viz:

An Act to supply a deficiency in the appropriation to provide for the Survey of a portion of the Northern Boundary of this State.

An Act for the Relief of B. Wing and W. H. Williamson.

An Act to recompense B. B. Redding and Geo. Kerr & Co. for work performed for the State of California during the year 1854.

JOHN BIGLER.

Mr. Whiting moved to refer the bill under discussion to a Select Committee of three.

Carried.

The Chair appointed Messrs. Whiting, Gove and Burton as such Committee.

Mr. Sprague moved to take up Senate bill relative to Toll-Bridges.

Carried.

On motion, the bill was made a special order for to-morrow, at 12 M.

Mr. McFarland moved to take up Senate bill No. 92, An Act making appropriations to defray the ordinary Civil Expenses of the Government of this State from the first day of February, A. D., 1855, to the first day of February, A. D., 1856.

Agreed to.

Mr. French moved to lay the bill on the table and make it the special order for next Tuesday.

Lost.

Mr. Leake moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. McFarland, Sprague and Hawthorne, with the following result:

AYES.

Messrs. Crenshaw, French, Hall, Hook, Kendall, Leake, May, McGarry, Moore, Norman and Tuttle—11.

NOES.

Messrs. Burton, Day, De La Guerra, Flint, Gove, Hawthorne, Keene, McCoun, McFarland, McNeil, Rust, Scellen and Sprague—13.

So the Senate refused to adjourn.

Mr. Norman moved to adjourn.

Lost.

Mr. Kendall moved to adjourn.

Lost.

Mr. Tuttle moved to postpone the further consideration of the bill until Monday next.

Upon which the ayes and noes were demanded by Messrs. McFarland, Burton and Sprague, with the following result:

AYES.

Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, McGarry, McNeil, Norman and Tuttle—11.

## NOES.

Messrs. Burton, Day, De La Guerra, Flint, Hall, Hawthorne, Lippincott, McCoun, McFarland, Rust, Scellen, Sprague and Whiting—13.

So the Senate refused to postpone the bill.

Mr. Norman moved to adjourn.

Lost.

Mr. Norman moved to make the bill the special order for Tuesday next.

Lost.

Mr. Burton moved the previous question.

Not sustained.

Mr. Keene moved to insert the following:

“To pay for the portrait of Gen. John A. Sutter, twenty-five hundred dollars.”

Mr. Burton moved the previous question.

Sustained.

The question then being, “Shall the main question now be put?”

Decided in the affirmative.

The question then being on the adoption of the amendment offered by Mr. Keene.

The ayes and noes were demanded by Messrs. Leake, Hawks and Keene, with the following result:

## AYES.

Messrs. Colby, French, Keene, Hawks, and Tuttle—5.

## NOES.

Messrs. Burton, Crenshaw, Day, De La Guerra, Flint, Gove, Hall, Hawthorne, Heintzelman, Hook, Kendall, Leake, Lippincott, McCoun, McFarland, McGarry, McNeil, Moore, Norman, Rust, Scellen, Sprague and Whiting—23.

So the amendment was lost.

The question being, “Shall the bill be engrossed for a third reading?”

Decided in the affirmative.

Mr. Tuttle moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Leake, Hawks and Norman, with the following result:

## AYES.

Messrs. Burton, Colby, De La Guerra, Flint, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Moore, Scellen and Sprague—13.

## NOES.

Messrs. Crenshaw, Day, Hook, Keene, Kendall, Leake, Lippincott, McCoun, McFarland, McGarry, McNeil, Norman, Rust, Tuttle and Whiting—15.

So the Senate refused to adjourn.

Mr. Heintzelman moved to take up Senate bill No. 180, entitled an Act to amend an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

Upon which the ayes and noes were demanded by Messrs. Hawks, French and Tuttle, with the following result:

## AYES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, French, Gove, Hawks, Heintzelman, Keene, Kendall, Leake, Lippincott, McFarland, McNeil, Moore and Tuttle—17.

## NOES.

Messrs. De La Guerra, Hawthorne, Hook, McCoun, Scellen and Sprague—6.

Pending which, the Senate, on motion of Mr. Flint, adjourned.

SAM. PURDY,  
President of Senate.

C. DICKINSON,  
Secretary of Senate.

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IN SENATE.

THURSDAY, April 12, 1855.

Senate met pursuant to adjournment.

President in the chair.

The Journal of yesterday was read and approved.

Mr. Flint presented the following report from the Committee on Claims:

*Mr. President:*

Your Committee on Claims have had the bill of R. G. Crozier for keeping



State Prisoners during the year 1851, and beg leave to report it back for the consideration of the Senate.

WILSON FLINT,  
Chairman.

Mr. Flint presented the following report:

*Mr. President:*

Your Committee on Claims have examined the resolution to pay Wm. A. Cornwall three hundred and eight dollars for a copy of Journals furnished to State Printer, and beg leave to report favorably and recommend its passage.

WILSON FLINT,  
Chairman.

Mr. May presented the following report:

*Mr. President:*

The Committee on Military Affairs, to whom was referred Assembly bill No. 278, entitled an Act concerning the organization of the Militia, have had the same under consideration, report it back, with an amendment, and recommend its passage.

W. B. MAY,  
Chairman.

Mr. Tuttle submitted the following report:

*Mr. President:*

The Committee on Finance, to whom was referred Senate bill No. 189, entitled an Act appropriating money for the benefit of the Orphan Asylum of the City of San Francisco, report the same back, with amendments, and recommend its passage.

Also, Assembly bill No. 341, entitled an Act to amend an Act to provide Revenue for the support of the Government of this State, and report the same back, without amendment, and recommend its passage.

C. A. TUTTLE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 108, entitled an Act amendatory and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Offi-

cers, passed May 19, 1853, and have directed me to report the same back, without amendment, recommending its consideration with Assembly bill No. 44.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have considered Senate bill No. 142, entitled an Act for the Relief of Mrs. Annie V. R. Wells, widow of Judge Alexander Wells, and have directed me to report the same back, without amendment, recommending that it be indefinitely postponed.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 182, entitled an Act amendatory of an Act passed May 15, 1854, entitled an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851, and have directed me to report the same back and recommend that the same be passed.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have considered Assembly bill No. 243, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850, and have directed me to report the same back, without amendment, recommending its passage.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 176, entitled an Act to amend an Act entitled an Act concerning the Office of State Treasurer, passed January 24, 1850, and have directed me

to report the same back, without amendments, recommending its indefinite postponement.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have considered Assembly bill No. 121, entitled an Act for securing Liens to Mechanics and others, and have directed me to report the same back, without amendments, recommending its indefinite postponement.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have considered Assembly bill No. 274, entitled an Act to amend an Act entitled an Act concerning the Courts of Justice and Judicial Officers, passed May 19, 1853, and have directed me to report the same back, with an amendment, recommending its passage as amended.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 157, entitled an Act to fix the time certain Officers of Yuba County shall enter upon the duties of their offices, and have directed me to report the same back, recommending its indefinite postponement.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have considered Assembly bill No. 174, entitled an Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854.

Also, Assembly bill No. 287, entitled an Act concerning the County Judge of Sacramento County, and have directed me to report the same back, without amendments, recommending their indefinite postponement, for the reason that a

bill of the same nature has already passed the Senate, and their object can be effected by inserting the Counties of Sacramento and Colusi in said bill.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have considered Assembly bill No. 322, entitled an Act to amend an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March 21, 1855, and have directed me to report the same back, with sundry amendments, recommending its passage as amended.

R. T. SPRAGUE,  
Chairman.

Mr. Whiting presented the following report:

*Mr. President:*

The Committee on Corporations, to whom was referred Senate bill No. 183, An Act to amend an Act entitled an Act to authorize the formation of Corporations for the construction of Plank and Turnpike Roads, passed May 12, 1853, beg leave to report the same back, after a careful consideration, without amendment, and recommend its passage.

B. C. WHITING,  
Chairman.

Mr. Whiting presented the following report:

*Mr. President:*

The Committee on Corporations, to whom was referred Assembly bill No. 273, entitled an Act amendatory of an Act entitled an Act to Incorporate Crescent City, passed April 13, 1854, have had the same under consideration, and propose to strike out section four, and that the bill thus amended be passed.

B. C. WHITING,  
Chairman.

Mr. Whiting presented the following report:

*Mr. President:*

The Select Committee, to whom was referred Assembly bill No. 275, An Act to legalize a certified copy of Book A of Records of Sacramento County, with instructions, beg leave to report the same back with an amendment.

B. C. WHITING.



The amendment was adopted.

The bill was read a third time and passed.

Mr. Gove offered the following resolution:

*Resolved*, That the twenty-seventh standing rule of the Senate be amended so as to read as follows: "The hours of meeting of the Senate shall, from and after the 15th inst., be 10 o'clock A. M., and 7 o'clock P. M., until the close of the session."

Mr. Burton moved to strike out all after the word 10 A. M.

Lost.

Mr. Burton moved to lay the resolution on the table.

Mr. Tuttle demanded the previous question.

Not sustained.

On Mr. Burton's motion to lay the resolution on the table, the ayes and noes were demanded by Messrs. Heintzelman, May and Day, with the following result :

#### AYES.

Messrs. Burton, De La Guerra, French, Hall, Hawthorne, Kendall, Mandeville, May, McFarland, McGarry, Norman, Peck, Rust, Scellen, Stebbins and Whiting—16.

#### NOES.

Messrs. Crenshaw, Day, Flint, Gove, Hawks, Hook, Heintzelman, Keene, Lippincott, McCoun, McNeil, Moore, Sprague and Tuttle—14.

Mr. McFarland presented the following report:

*Mr. President :*

The Select Committee, to whom was referred Assembly bill No. 242, for an Act to Fund the Debt of San Diego County, report the same back for the consideration of the Senate, with an amendment to section one.

J. P. McFARLAND,

Chairman.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on yesterday, Senate bill No. 99, entitled an Act to create the County of Merced, to define its boundaries and provide for its organization.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

On motion of Mr. McNeil, the bill was taken up, and the Assembly amendments severally concurred in.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly have, this day, concurred in Senate amendments to Assembly bill No. 149, An Act concerning the Records in the Office of the County Recorder of San Francisco County.

Also, passed Senate bill No. 87, An Act amendatory of an Act to provide for the Incorporation of Colleges, passed April 20, 1850.

J. M. ANDERSON,

Clerk of Assembly.

On motion of Mr. Norman, the Senate took under consideration Senate bill No. 174, entitled an Act to punish Vagrants, Vagabonds, and Dangerous and Suspicious persons.

The amendments offered by the Committee were concurred in.

Bill read a third time and passed.

Mr. French moved to take up Assembly bill No. 327, entitled an Act to Incorporate the Town of El Dorado.

Agreed to.

Mr. Burton moved that the bill be indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. French, Tuttle and Hawks, with the following result:

AYES.

Messrs. Burton, Crenshaw, Hawthorne, Kendall, Leake, Mandeville, May, McCoun, McFarland and Rust—11.

NOES.

Messrs. Colby, Day, De La Guerra, Flint, French, Gove, Hall, Hawks, Heintzelman, Hook, Keene, Lippincott, McGarry, McNeil, Moore, Norman, Peck, Sprague, Stebbins and Tuttle—20.

So the motion to indefinitely postpone was lost.

The bill was then read a third time and passed.

Mr. Tuttle moved to take up Assembly bill No. 134, entitled an Act to prohibit any person or persons, Association, Company or Corporations from exercising the privileges of Banking or creating paper to circulate as money.

Agreed to.

The bill was then read a third time and passed.

According to previous notice, Mr. McCoun introduced a bill entitled an Act to appropriate money to enable the Trustees of the Insane Asylum to build a Dining-Room and Kitchen, also, to purchase furniture for the main building of the same.

Read a first and second time and referred to the Committee on Finance.

According to previous notice, Mr. Sprague introduced a bill entitled an Act

amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the Estates of Deceased Persons.

Read a first and second time and referred to the Judiciary Committee.

According to previous notice, Mr. Hawks introduced a bill entitled an Act supplementary to an Act entitled an Act to regulate Fees in Office, passed March 30, 1855.

Read a first and second time and referred to the Judiciary Committee.

According to previous notice, Mr. McGarry introduced a bill entitled an Act amendatory of an Act entitled an Act to provide for the disposition of the five hundred thousand acres of Land granted to this State by Act of Congress, passed May 3, 1852.

Read a first and second time and referred to the Committee on Public Lands.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, a bill for an Act concerning Ejectments.

G. W. COLBY,  
Chairman.

Mr. McGarry presented the account of Wm. Moran & Co., for copies of Evening Journal, amounting to \$45.

Referred to the Committee on Contingent Expenses.

The Senate, as in Committee of the Whole, proceeded to the consideration of the special order of the day, Senate bill No. 44, entitled an Act concerning Public Ferries and Toll-Bridges.

After some time spent therein, amendments were concurred in, and,

On motion of Mr. McFarland, the Committee rose, reported the bill back and recommended its passage as amended.

The bill was then considered as engrossed, read a third time and passed.

Leave being granted, Mr. Hawks introduced a bill entitled an Act to facilitate the exposure of the perpetrators of certain Frauds alleged to have been committed in the City of San Francisco.

Read a first and second time and referred to the Judiciary Committee.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly have, this day, amended Senate amendment to Assembly Concurrent Resolution relative to adjournment *sine die*, and concurred in it as amended, and respectfully ask the concurrence of the Senate.

J. M. ANDERSON,  
Clerk of Assembly.

The following amendment of the Assembly was then read:

Strike out the words "seventh day of May, 1853," and insert "30th day of April, 1853."

Mr. Stebbins moved that the resolution be referred to a Committee of Conference.

Mr. McFarland moved that the Senate non-concur.

Mr. Leake moved to lay the resolution on the table, with instructions to the Secretary to return the same to the Assembly for correction.

Mr. Moore called for a division of the question.

The question then being on the motion to lay the resolution on the table.

The ayes and noes were demanded by Messrs. French, Leake and Heintzelman, with the following result:

AYES.

Messrs. Colby, Day, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McGarry, McNeil, Norman, Peck and Tuttle—16.

NOES.

Messrs. Burton, De La Guerra, Flint, Hall, Hawks, Hawthorne, Lippincott, McCoun, McFarland, Moore, Rust, Scellen, Sprague, Stebbins and Whiting—15.

So the motion to lay on the table was lost.

The Chair then decided the question to be the instructions to the Secretary of the Senate to return the resolution to the Assembly for correction.

Mr. May moved to lay the instructions on the table.

Mr. Leake withdrew his motion to instruct.

The following message was received from the Assembly.

*Mr. President :*

I am directed by the Assembly to ask consent of the Senate to correct a clerical error in Concurrent Resolution relative to the adjournment of the Legislature.

J. W. SCOPY.

Assistant Clerk of Assembly.

Mr. Crenshaw moved to take Concurrent Resolution from the table.

Agreed to.

On motion of Mr. Stebbins, the Assistant Clerk of the Assembly was allowed to correct the Concurrent Resolution so as to read 1855 in place of 1853, wherever it occurred.

Agreed to.

The necessary correction was made.

Mr. McFarland moved to appoint a Committee of Conference and request Assembly to do the same.

Mr. May moved that the resolution be laid on the table.

Upon which the ayes and noes were demanded by Messrs. Keene, Mandeville and McGarry, with the following result:



## AYES.

Messrs. Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McGarry, McNeil, Norman, Peck, Scellen and Tuttle—16.

## NOES.

Messrs. Burton, Colby, Day, De La Guerra, Flint, Hall, Hawks, Hawthorne, Lippincott, McCoun, McFarland, Moore, Rust, Stebbins, and Whiting—15.

So the resolution was laid on the table.

On motion of Mr. Kendall, the Senate, as in Committee of the Whole, took under consideration Senate bill No. 189, entitled an Act appropriating moneys for the benefit of the Orphan Asylums of the City of San Francisco.

After some time spent therein, the Committee rose, reported the bill back, recommending its passage as amended.

The amendments of the Committee were then severally concurred in.

Mr. Sprague moved to amend the first section by adding the following proviso:

*Provided*, the Managers or Trustees of said Asylums make an annual report to the Legislature, giving a detailed statement of the expenditures of the above appropriations, with the names of the Orphans who may be inmates of their respective Asylums, and a full account of all expenses incurred by said Institutions severally.

Adopted.

On the recommendation of the Committee, to strike out the second section, the ayes and noes were demanded by Messrs. Tuttle, Kendall and Crenshaw, with the following result:

## AYES.

Messrs. Burton, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Lippincott, McCoun, McFarland, Moore, Norman and Sprague—13.

## NOES.

Messrs. Colby, Crenshaw, Day, De La Guerra, Flint, French, Gove, Kendall, Mandeville, May, McGarry, McNeil, Peck, Rust, Scellen, Stebbins and Tuttle—17.

So the Senate refused to strike out the second section.

Mr. Sprague moved to amend the second section by striking out the word "City" and inserting "Cities," and inserting after the word "San Francisco," the words "Stockton, Sacramento and Marysville."

Mr. Mandeville moved the previous question.

Sustained.

The question then being, "Shall the main question now be put?"

Decided in the affirmative.

The question then being on the amendment offered by Mr. Sprague.

The ayes and noes were demanded by Messrs. Moore, Sprague and Hawks, with the following result:

AYES.

Messrs. Day, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Lippincott, McCoun, McGarry, Moore and Sprague—12.

NOES.

Messrs. Barton, Colby, Crenshaw, De La Guerra, Flint, French, Gove, Kendall, Leake, Mandeville, May, McFarland, McNeil, Norman, Peck, Rust, Scellen, Stebbins, Tuttle and Whiting—20.

So the amendment was not adopted.

The question then being, "Shall the bill be ordered engrossed for a third reading to-morrow.

The ayes and noes were demanded by Messrs. Sprague, Keene and Hook, with the following result:

AYES.

Messrs. Burton, Crenshaw, Day, Flint, French, Gove, Hawthorne, Kendall, Leake, Mandeville, May, McGarry, McNeil, Scellen, Stebbins, Tuttle and Whiting—17.

NOES.

Messrs. Hall, Hawks, Hook, Keene, Lippincott, Moore, McCoun, Norman, Peck, Rust and Sprague—11.

So the bill was ordered engrossed.

On motion of Mr. Scellen, the Senate took up Assembly Concurrent Resolution relative to the adjournment of the Legislature.

Mr. Stebbins moved to appoint a Committee of Conference.

Mr. Mandeville rose to a point of order, that the first question was to concur in Assembly amendment.

The Chair decided the point of order not well taken.

Mr. Mandeville appealed from the decision of the Chair.

Mr. Mandeville withdrew his appeal.

Mr. French renewed the appeal.

Mr. May moved to adjourn.

Lost.

The question then being, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Messrs. French, Leake and Sprague, with the following result:

## AYES.

Messrs. Day, De La Guerra, Flint, Hall, Hawks, Hawthorne, Lippincott, McCoun, McFarland, Moore, Peck, Rust, Sprague, Stebbins and Whiting—15.

## NOES.

Messrs. Burton, Colby, Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McGarry, McNeil, Norman, Scellen and Tuttle—17.

So the decision of the Chair was reversed.

Mr. Mandeville moved to concur in Assembly amendment.

Mr. Moore moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Kendall, Leake and Tuttle, with the following result:

## AYES.

Messrs. Day, De La Guerra, Flint, Hall, Hawks, Hawthorne, Lippincott, McCoun, McFarland, Moore, Rust, Sprague and Whiting—13.

## NOES.

Messrs. Burton, Colby, Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McGarry, McNeil, Norman, Peck, Scellen, Stebbins and Tuttle—19.

So the Senate refused to adjourn.

Mr. Mandeville demanded the previous question.

The question then being, "Shall the main question now be put?"

The ayes and noes were demanded by Messrs. Lippincott, McCoun and Hawks, with the following result:

## AYES.

Messrs. Burton, Colby, Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McGarry, McNeil, Norman, Scellen and Tuttle—17.

## NOES.

Messrs. Day, De La Guerra, Flint, Hall, Hawks, Hawthorne, Lippincott, McCoun, McFarland, Moore, Peck, Rust, Sprague, Stebbins and Whiting—15.

On the motion that the Senate concur in the Assembly amendments, the ayes and noes were demanded by Messrs. Tuttle, Heintzelman and Mandeville, with the following result:

AYES.

Messrs. Burton, Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Lippincott, Mandeville, May, McFarland, McGarry, McNeil, Norman and Scellen—16.

NOES.

Messrs. Colby, Day, De La Guerra, Flint, Hall, Hawks, Hawthorne, Leake, McCoun, Moore, Peck, Rust, Sprague, Stebbins, Tuttle and Whiting—16.

So the Senate refused to concur.

On motion of Mr. Hawks, the Senate adjourned.

SAM. PURDY,  
President of Senate.

C. DICKINSON,  
Secretary of Senate.

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## IN SENATE.

FRIDAY, April 13, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Leake moved to re-consider the vote by which the Senate refused to concur in Assembly amendments to the resolution relative to the adjournment of the Legislature.

The Chair decided the motion out of order.

Mr. Leake appealed from the decision of the Chair.

The question then being, "Shall the decision of the Chair stand as the judgment of the Senate?"

Decided in the negative.

On motion of Mr. Leake, the vote on the resolution was re-considered.

On motion, the Senate concurred in Assembly amendment to Concurrent Resolution that both Houses adjourn on the 30th day of April, 1855.

Mr. Day gave notice that he will, on to-morrow, or at an early day thereafter, introduce a bill for an Act for the encouragement of Colleges.

Mr. Norman presented the following report:



*Mr. President :*

The Committee on Enrollment have examined and find correctly enrolled the following Acts, viz :

An Act to authorize the Controller of State to issue a Duplicate Warrant to S. H. Marlette.

An Act to provide for paying the outstanding Indebtedness of the County of Santa Clara.

An Act amendatory of an Act to provide for the Incorporation of Colleges, passed April 20, 1855.

W. B. NORMAN,  
Chairman.

Mr. Norman presented the following report :

*Mr. President :*

The Committee on Enrollment have, this day, presented to the Governor, for his signature, the following Acts, viz :

An Act to authorize the Controller of State to issue a Duplicate Warrant to S. H. Marlette.

An Act to provide for paying the outstanding Indebtedness of the County of Santa Clara.

An Act amendatory of an Act to provide for the Incorporation of Colleges, passed April 20, 1855.

W. B. NORMAN,  
Chairman.

According to previous notice, Mr. Sprague introduced a bill entitled an Act to authorize certain Chinese Companies to sell and convey certain Real Estate by their Superintendents.

Read a first and second time, and referred to the Committee on the Judiciary.

Mr. Stebbins presented the following report:

*Mr. President :*

The Committee on Commerce and Navigation, to whom was referred Assembly bill for an Act to amend an Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin, approved May 12, 1853, have had the same under consideration, and have instructed me to report the same back, without amendment, and recommend that the same be passed.

JAS. G. STEBBINS,  
Chairman *pro tem.*

Mr. Stebbins presented the following report:

*Mr. President:*

The Committee on Commerce and Navigation, to whom was referred Assembly bill for an Act to authorize the construction of a bridge across Mission Creek, have had the same under consideration, and instruct me to report it back, without amendment, and recommend its passage.

JAS. G. STEBBINS,  
Chairman *pro tem.*

Mr. Keene moved to amend the twentieth standing rule of the Senate by striking out in second line the words "in the majority," and insert "on the side which prevailed."

Carried.

According to previous notice, Mr. Hall introduced a bill entitled an Act to legalize proceedings in the different Courts in this State which have been established by an Act of the Legislature with jurisdiction in cases of more than two hundred dollars.

Read a first and second time and referred to the Committee on the Judiciary.

According to previous notice, Mr. Moore introduced a bill entitled an Act to authorize the improvement of Alviso Slough.

Read a first and second time and referred to the Committee on Commerce and Navigation.

According to previous notice, Mr. Stebbins introduced a bill entitled an Act supplementary to and amendatory of an Act to Incorporate the City of Marysville, passed March 5, 1855.

Read a first and second time.

Rules suspended.

Read a third time and passed.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment find correctly engrossed an Act making appropriations to defray the ordinary Civil Expenses of the Government of this State from the first day of February, A. D., 1855, to the first day of February, A. D., 1856.

G. W. COLBY,  
Chairman.

The following message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, April 13, 1855. }

*To the Senate of California:*

I have this day approved of the following Acts which originated in the Senate, viz :

An Act to authorize the Controller of State to issue a Duplicate Warrant to S. H. Marlette.

An Act amendatory of an Act to provide for the Incorporation of Colleges, passed April 20, 1850.

An Act to provide for paying the outstanding Indebtedness of the County of Santa Clara.

JOHN BIGLER.

On motion of Mr. Crenshaw, the Senate took under consideration Senate bill No. 176, An Act entitled an Act to authorize the County Auditor of Nevada County to issue certain Bonds.

The amendments were then adopted.

The bill read a third time and passed.

On motion of Mr. Heintzelman, the Senate took up Senate bill No. 180, entitled an Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1850.

Read a third time and passed.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on the 9th inst., Assembly bills No. 303, An Act to attach a portion of El Dorado County to the County of Amador.

Also, bill No. 306, An Act to provide for the extinguishment of the Indebtedness present and accruing of the County of Monterey.

Also, bill No. 358, An Act to amend an Act entitled an Act to exempt Firemen from Militia Service and Jury Duty, passed March 25, 1853.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 303, entitled an Act to attach a portion of El Dorado County to the County of Amador.

Read a first, second and third time and passed.

Assembly bill No. 306, entitled an Act to provide for the extinguishment of the Indebtedness present and accruing of the County of Monterey.

Read a first and second time and referred to the Senator from Monterey.

Assembly bill No. 358, entitled an Act to amend an Act entitled an Act to exempt Firemen from Militia Service and Jury Duty, passed March 25, 1853.

Read a first and second time, and referred to the Committee on Military Affairs.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on the 12th inst., Senate amendments to the Constitution of the State.

Also, Assembly bill No. 235, An Act concerning Estrays.

Also, Assembly bill No. 285, An Act amendatory of an Act entitled an Act

relative to Port Wardens in San Francisco, Sacramento and other Ports in California, passed March 19, 1853.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Crenshaw moved that the Secretary be instructed to place the amendments to the Constitution of the State on the Journal.

Adopted.

Assembly bill No. 23, entitled an Act concerning Estrays.

Read a first and second time and referred to the Committee on Agriculture.

Assembly bill No. 285, entitled an Act relative to Port Wardens in San Francisco, Sacramento and other Ports in California, passed March 19, 1853.

Read a first and second time and referred to the Committee on Commerce and Navigation.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on yesterday, Assembly Concurrent Resolution relative to a Joint Convention for electing three Trustees of the Insane Asylum.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The following resolution was then taken up:

*Resolved*, (the Senate concurring) That the two Houses meet in Joint Convention on the 16th day of April for the purpose of electing three Trustees of the Insane Asylum.

Mr. Flint moved to amend by inserting the word " 17th " in place of " 16th. "

Lost.

Mr. Tuttle moved to amend by inserting the hour of eight P. M., for the meeting of the Convention.

Lost.

Mr. Tuttle moved to amend by inserting seven P. M.

Lost.

Mr. McFarland moved to amend by inserting the words " at 12 M. "

Adopted.

The question then being on the passage of the resolution as amended.

Carried.

Mr. Colby presented the following report:



*Mr. President:*

The Committee on Engrossed bills have examined and find correctly engrossed An Act supplementary to and amendatory of an Act to Incorporate the City of Marysville, passed March 5, 1855.

G. W. COLBY,  
Chairman.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, An Act concerning Public Ferries and Toll-Bridges.

Also, An Act appropriating moneys for the benefit of the Orphan Asylums of the City of San Francisco.

G. W. COLBY,  
Chairman.

Mr. Leake presented the following report:

*Mr. President:*

The Committee on Counties and County Boundaries have had under consideration Assembly bill No. 255, An Act to define the Northern Boundary Line of the County of Tulare, report the same back and recommend its passage without amendment.

CHAS. A. LEAKE,  
Chairman.

Mr. Hawks presented the following report:

*Mr. President:*

The San Francisco Delegation, to whom was referred Assembly bill No. 267, An Act to regulate the Fees of Coroner in the County of San Francisco, have had the same under consideration, and report it back to the Senate, recommending its passage without amendment.

W. W. HAWKS.

The Senate took under consideration Senate bill, An Act to authorize the Supreme Court to employ a Clerk.

Read a third time and passed.

Mr. Hawthorne presented the following resolution:

*Resolved*, That in consequence of the unfinished state in which the Journals of the Senate were left by the late Secretary, the present Secretary is hereby authorized to employ, temporarily, such assistance as he may deem adequate to insure the prompt completion of the same.

Mr. Day presented the following report:

*Mr. President:*

The Committee on Internal Improvements, to whom was referred Senate bill No. 79, An Act to provide for the Survey and Improvement of an Immigrant Road across the Sierra Nevada.

Also, Assembly bill No. 244, An Act to provide for the Survey and Construction of a Wagon Road across the Sierra Nevada Mountains, report the same back for the consideration of the Senate, and recommend the passage of the Assembly bill with the accompanying amendments.

For the views of the Committee on this important subject, they respectfully refer to their general report on this day presented.

By order of the Committee.

S. DAY.

On motion of Mr. Tuttle, the usual number of copies were ordered printed.

On motion of Mr. Day, Senate bill No. 79, entitled an Act to provide for the Survey and Improvement of an Immigrant Wagon Road across the Sierra Nevada, was taken up and made the special order for Thursday April 18, at 12 M.

Mr. Gove moved to take up the Ejectment Bill.

Lost.

Mr. McCoun moved to take up Assembly bill No. 197, relative to the permanent location of the Seat of Government of this State.

Agreed to.

On motion, the same was made the special order for Wednesday next.

Mr. Tuttle moved to take up Assembly bill No. 341, entitled an Act to amend an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854.

Agreed to.

The bill was then read a third time and passed.

On motion of Mr. McFarland, the Senate took up Senate bill No. 92, entitled an Act making appropriations to defray the ordinary Civil Expenses of the government of this State from the first day of February, A. D., 1855, to the first day of February, A. D., 1856.

Read a third time and passed.

Mr. Whiting presented the following report:

*Mr. President:*

I have examined Assembly bill No. 306, entitled an Act to provide for extinguishment of the Indebtedness present and accruing of the County of Monterey, and respectfully report the same back and recommend its passage.

B. C. WHITING.

On motion, the Senate took up Assembly bill No. 306, entitled an Act to attach a portion of El Dorado County to the County of Amador.

Read a first, second and third time and passed.

On motion of Mr. Peck, the Senate took up Assembly bill No. 223, An Act to authorize the construction of a Bridge across the Mission Creek.

Mr. Whiting moved to make it the special order for Wednesday next, at 12 M.

Lost.

Mr. Stebbins demanded the previous question.

Sustained.

The question then being, "Shall the main question now be put?"

Decided in the affirmative.

On the question to make it a special order.

Lost.

The bill was then read a third time and passed.

Mr. Rust moved to take from the table the motion of Mr. Mandeville to re-consider the vote on the passage of the resolution authorizing the printing of decisions of the United States Land Commissioners.

Agreed to.

Mr. McFarland moved to indefinitely postpone the motion to re-consider.

Mr. Burton moved to lay the motion to indefinitely postpone upon the table.

Lost.

The question being then on the motion to indefinitely postpone.

The ayes and noes were demanded by Messrs. Norman, Tuttle and May, with the following result:

#### AYES.

Messrs. Colby, Crenshaw, Day, De La Guerra, Gove, Hall, Hawthorne, Kendall, Lippincott, McCoun, McFarland, Rust, Sprague and Stebbins—14.

#### NOES.

Messrs. Burton, French, Hook, Mandeville, May, McNeil, Norman, Peck, Scellen and Tuttle—10.

So the motion was indefinitely postponed.

Mr. McCoun gave notice that he will, on to-morrow, or at an early day thereafter, introduce a bill for an Act to provide for the recovery of property belonging to the State of California.

Mr. Hall moved to take up Senate bill relative to Swamp Lands, and make it a special order for Tuesday next.

Agreed to.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly have, this day, passed Senate bill No. 202, An Act supplementary to and amendatory of an Act to incorporate the City of Marysville, passed March 5, 1855.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

On motion of Mr. Keene, the Senate took up Assembly bill No. 148, An Act relating to the safe-keeping of the Public Moneys.

Read a third time and passed.

Mr. Scellen moved to take up Assembly bill No. 278, entitled an Act concerning the Organization of the Militia.

Agreed to.

On motion, it was made the special order for Monday next.

On motion of Mr. Gove, the Senate took up Senate bill No. 37, entitled an Act for the Relief of Dr. J. P. Sharkey.

Read a third time and passed.

Mr. McFarland moved to take up Assembly bill No. 73, entitled an Act to suppress Gaming.

Upon which the ayes and noes were demanded by Messrs. Tuttle, De La Guerra and McGarry, with the following result:

AYES.

Messrs. Burton, Day, De La Guerra, Gove, Hawks, Heintzelman, Hook, Lippincott, Mandeville, May, McFarland, McGarry, McNeil, Scellen, Sprague and Tuttle—16.

NOES.

Messrs. Crenshaw, Flint, French, Hall, Hawthorne, Kendall, McCoun, Norman, Peck and Rust—10.

Mr. Tuttle demanded the previous question.

Sustained.

The question being, "Shall the main question now be put?"

Decided in the affirmative.

On the final passage of the bill, the ayes and noes were demanded by Messrs. Heintzelman, Flint and McCoun, with the following result:

AYES.

Messrs. Burton, Colby, Day, De La Guerra, Gove, Hawthorne, Heintzelman, Hook, Kendall, Lippincott, Mandeville, McFarland, McGarry, McNeil, Norman, Peck, Sprague, Stebbins and Tuttle—19.

NOES.

Messrs. Censhaw, Flint, French, Hall, Hawks, Keene, May, McCoun, Moore, Rust, Scellen and Whiting—12.

Mr. Stebbins gave notice that he would, on to-morrow, move a re-consideration of the vote just taken.

Mr. Sprague moved that the Senate now proceed to re-consider the vote just taken.

Mr. Burton moved to indefinitely postpone the motion to re-consider.

Mr. Tuttle moved the previous question.

Sustained.

The question then being, "Shall the main question now be put?"

Decided in the affirmative.



The question then being on the motion to indefinitely postpone the motion to re-consider.

The ayes and noes were demanded by Messrs. French, Rust and Hall, with the following result:

AYES.

Messrs. Burton, Colby, Day, De La Guerra, Gove, Hawthorne, Heintzelman, Lippincott, Mandeville, McFarland, McGarry, McNeil, Norman, Peck, Sprague and Tuttle—16.

NOES.

Messrs. Crenshaw, Flint, French, Hall, Hawks, Hook, Keene, Kendall, May, McCoun, Moore, Rust, Scellen, Stebbins and Whiting—15.

So the motion to re-consider was indefinitely postponed.

The Senate then took under consideration Senate bill No. 189, entitled an Act appropriating moneys for the benefit of the Orphan Asylums of the City of San Francisco.

Mr Sprague moved that the bill be indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. Sprague, Tuttle and McGarry, with the following result:

AYES.

Messrs. Colby, Hall, Hawks, Heintzelman, Hook, Keene, Lippincott, McCoun, McFarland, Moore, Peck, Scellen, Sprague and Whiting—14.

NOES.

Messrs. Burton, Crenshaw, Day, Flint, French, Hawthorne, Kendall, Mandeville, May, McGarry, McNeil, Norman, Rust, Stebbins and Tuttle—15.

So the motion to indefinitely postpone was lost.

Mr. Burton moved to re-consider the vote by which the bill was ordered to be engrossed.

Upon which the ayes and noes were demanded by Messrs. Tuttle, Kendall and Burton, with the following result:

AYES.

Messrs. Burton, Colby, De La Guerra, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Lippincott, McFarland, McNeil, Moore, Rust, Sprague and Whiting—17.

NOES.

Messrs. Crenshaw, Day, Flint, Kendall, Mandeville, May, McGarry, Norman, Peck and Tuttle—10.

So the motion to re-consider was carried.

Mr. Burton moved that the second section of the bill be stricken out.

Agreed to.

Mr. Tuttle moved to strike all out after the enacting clause, and insert the following substitute:

The Controller of State is hereby directed to draw his warrant on the Treasurer, payable out of the General Fund, for the sum of ten thousand dollars (five thousand to each) in favor of the Trustees of the two Orphan Asylums in San Francisco; and the sum of ten thousand dollars is hereby appropriated out of any moneys not otherwise appropriated, for the purpose of carrying out the provisions of this Act.

Mr. McFarland called for a division of the question.

Agreed to.

The question then being on the motion to strike out.

Carried.

The question then recurred on the substitute offered by Mr. Tuttle.

Adopted.

Mr. Tuttle offered the following additional section:

Section 2. The Trustees of said Orphan Asylum are hereby required to report to the Governor of State, on the 28th day of December of each year, the manner in which said money is appropriated.

Adopted.

Mr. Sprague moved to amend the additional section by adding the following:

Also, a detailed statement of the expenditure of the above appropriation, with the names of the Orphans who may be inmates of their respective Asylums, and a full account of all expenses incurred by said institutions severally.

Adopted.

The bill was then read a third time and passed.

Mr. McGarry presented sundry newspaper accounts.

Referred to the Committee on Contingent Expenses.

Leave being granted, Mr. Hawks presented a bill entitled an Act to amend Section Third of an Act entitled an Act concerning Divorces, passed March 25, 1855.

Mr. Colby moved to take up Senate bill No. 58, entitled an Act concerning Ejectments.

Upon which the ayes and noes were demanded by Messrs. Colby, Heintzelman and Sprague, with the following result:

AYES.

Messrs. Colby, Crenshaw, De La Guerra, Gove, Hawks, Heintzelman, Keene, May, Sprague, Tuttle and Whiting—11.

## NOES.

Messrs. Burton, Hall, Hawthorne, Lippincott, Mandeville, McFarland, McGarry, McNeil, Moore, Peck, Rust and Scellen—12.

So the Senate refused to take up the bill.

Mr. Stebbins moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Leake, Hawks and Tuttle, with the following result:

## AYES.

Messrs. Burton, De La Guerra, Hall, Hawthorne, Mandeville, May, McCoun, McNeil, Moore, Peck, Rust, Scellen, Sprague, Tuttle and Whiting—15.

## NOES.

Messrs. Colby, Crenshaw, Flint, French, Gove, Hawks, Heintzelman, Hook, Keene, Leake, Lippincott, McFarland and Stebbins—13.

So the Senate adjourned.

SAMUEL PURDY,

President of Senate.

C. DICKINSON,

Secretary of Senate.

## IN SENATE.

SATURDAY, April 14, 1855.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee have had under consideration Senate bill No. 158, entitled an Act amendatory of an Act entitled an Act concerning Public Ferries and Toll-Bridges, and have directed me to report the same back, without

amendment, recommending that the same be indefinitely postponed, for the reason that the substance of the bill was incorporated in Senate bill No. 44, which passed the Senate on the 12th inst.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have considered Senate bill No. 205, entitled an Act to authorize certain Chinese Companies to sell and convey Real Estate by their Superintendent, and have directed me to report the same back, without amendment, recommending its passage.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have considered Senate bill No. 162, entitled an Act supplementary to an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March 20, 1855, and have directed me to report the same back, without amendments, for the consideration of the Senate.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have considered Senate bill No. 198, entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the Estates of Deceased Persons, and have directed me to report the same back, without amendments, and recommend its passage.

R. T. SPRAGUE,  
Chairman.

Mr. Tuttle submitted the following report:

*Mr. President:*

The Committee on Finance have had under consideration Senate bill No. 123, entitled an Act amendatory of an Act to provide Revenue for the support of the Government of this State, and report it back, recommending its indefinite postponement.

C. A. TUTTLE,  
Chairman.

Mr. Tuttle presented the following report:



*Mr. President :*

The Committee on Finance, to whom was referred Assembly bill No. 300, entitled an Act to amend an Act to provide Revenue for the support of the Government of this State, have had the same under consideration and report it back, with the accompanying amendments, and recommend its passage.

CHAS. A. TUTTLE,

Chairman.

The Senate then, as in Committee of the Whole, took under consideration Assembly bill No. 300, entitled an Act to amend an Act to provide Revenue for the support of the Government of this State.

After some time spent therein, the Committee rose, reported the bill back and asked leave to sit again.

Mr. Mahoney moved to make it the special order for Thursday, April 18th, at 12 M.

Lost.

On motion of Mr. Crenshaw, the bill was made the special order for Tuesday next.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly has, this day, concurred in Senate amendment to Assembly Concurrent Resolution fixing the hour of meeting on the 16th of this month in Joint Convention to elect three Trustees to the State Insane Asylum.

Also, this day, passed Assembly Concurrent Resolution relative to forwarding to the Department of the Interior the muster-rolls or a correct list of all persons who have been called into military service and regularly mustered therein, etc.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

The following Assembly Concurrent Resolution was received from the Assembly:

*Resolved*, (by the Assembly, the Senate concurring,) That the Governor be requested to forward to the Department of the Interior, the muster-rolls or a correct list of all persons who have been called into military service, or regularly mustered therein, and who have been honorably discharged from service in this State from its organization to the present time.

Read and concurred in.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly have, this day, passed

Senate bill No. 153, An Act to provide for the settlement of the affairs of the State Marine Hospital at San Francisco, and to dispose of the property belonging to the same.

Also, Assembly bill No. 361, An Act to establish the boundaries of Amador County and fix the County Seat thereof.

Also, Assembly bill No. 359, An Act to authorize the Board of Trustees of the City of San Diego to convey to the President and Board of Directors of the San Diego and Gila Southern Pacific and Atlantic Railroad Company two leagues of the Public Lands to aid in the construction thereof.

Also, Assembly bill No. 364, An Act to change the name of Joseph Wilson to Albert Calhoun Joseph Wilson.

Also, Assembly Joint Resolution No. 6, relative to the construction and establishment of Military and Post Roads across the Plains.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 361, entitled an Act to establish the Boundaries of Amador County and fix the County Seat thereof.

Read a first and second time.

Rules suspended.

Read a third time and passed.

Assembly bill No. 364, entitled an Act to change the name of Joseph Wilson to Albert Calhoun Joseph Wilson.

Read a first and second time.

Rules suspended.

Read a third time and passed.

Assembly Joint Resolution No. 6, relative to the construction and establishment of Military and Post Roads across the Plains.

Taken up.

Rules suspended.

Read a third time and passed.

Assembly bill No. 359, entitled an Act to authorize the Board of Trustees of the City of San Diego to convey to the President and Board of Directors of the San Diego and Gila Southern Pacific and Atlantic Railroad Company.

Read a first and second time and referred to the Committee on Federal Relations.

Mr. Hawks presented the following report:

*Mr. President :*

The Judiciary Committee, to whom was referred Senate bill No. 201, An Act to facilitate the exposure of the perpetrators of certain Frauds alledged to have been committed in the City of San Francisco, have had the same under consideration, and instruct me to report it back to the Senate, with amendments, and recommend its passage.

W. W. HAWKS.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, An Act to punish Vagrants, Vagabonds, and Dangerous and Suspicious Persons.

Also, An Act appropriating moneys for the benefit of the Orphan Asylum of the City of San Francisco.

Also, An Act to authorize the County Auditor of Nevada County to issue certain Bonds.

Also, An Act for the Relief of Dr. J. P. Sharkey.

Also, An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

G. W. COLBY,  
Chairman.

Mr. Scellen submitted the following report:

*Mr. President:*

A majority of the Committee on Public Expenditures, to whom was referred Senate bill No. 104, An Act to provide for the erection of the State House of California, have had the same under consideration, and report, in lieu thereof, the accompanying substitute, and recommend its passage.

JNO. D. SCELLEN,  
W. B. NORMAN.

Mr. Whiting presented the following report:

*Mr. President:*

The undersigned, members of the Committee on Commerce and Navigation, to whom was referred Assembly bill No. 144, An Act to authorize Isaac E. Davis and A. P. Jordan, and such others as they may associate with them, to construct a Wharf at Santa Cruz into the Bay of Monterey, and to collect Tolls on the same, have had the same under consideration, and ask leave to report the same back, without amendment, and recommend its passage.

D. MAHONEY,  
Chairman.

B. C. WHITING,  
G. D. HALL.

The bill was then taken up.  
Read a third time and passed.

Mr. Heintzelman submitted the following resolution:

*Resolved*, That the Sergeant-at-Arms is hereby instructed to have five hundred copies of the amended Fee Bill printed, and distribute them equally among Senators.

Pending the discussion of which,  
The Senate, on motion of Mr. Tuttle, adjourned until Monday, 16th inst., at 11 o'clock.

SAM. PURDY,  
President of Senate.

C. DICKINSON,  
Secretary of Senate.

### IN SENATE.

MONDAY, April 16, 1855.

Senate met pursuant to adjournment.  
President *pro tem.*, Mr. Sprague, in the chair.  
Prayer by the Rev. Mr. Pratt.  
The Journal of Saturday was read and approved.

Mr. Keene moved that a Special Committee of three be appointed to investigate the settlement had with Col. Wm. Rogers, on account of the First and Second Expedition against the Indians in El Dorado County.

The Chair appointed as such Committee, Messrs. Keene, Rust and Gove.

Mr. McGarry presented the following report:

*Mr. President:*

The Committee on Contingent Expenses, to whom was referred the following accounts for papers furnished Senators at the present session, have had the same under consideration, and have instructed me to report the same back and recommend their payment:

Four copies San Francisco Evening Journal,	-	-	\$45 00
Fourteen copies San Francisco Daily Herald,	-	-	84 00
Six copies San Francisco Daily Alta,	-	-	48 00
Two copies Mountain Democrat,	-	-	10 00
One copy California Democrat,	-	-	12 00
Five copies Miner's Advocate,	-	-	20 00
Nine copies Mountain Herald,	-	-	45 00
Four copies Marsyville Herald,	-	-	20 00
Three copies Nevada Journal,	-	-	8 25
Six copies California Express,	-	-	30 00
Two copies Mountain Messenger,	-	-	10 00

Also, recommend the payment of J. B. Caskny for copying laws of session of last year by order of Secretary of State, as per voucher, \$39 75; and the



Nine copies Stockton Evening Post, furnished Senators last session, \$99  
Four copies Marysville Herald, " " " 16

EDW. MCGARRY,  
Chairman.

*Mr. President:*

Respectfully submitted,

**J. M. ANDERSON,**  
Clerk of Assembly.

Mr. McFarland moved to lay the resolution upon the table.  
Agreed to.

Mr. Scellen presented a petition from citizens of Sierra County, praying for the passage of a Prohibitory Liquor Law.

Referred to the Committee on Public Morals and Police.

Mr. Lippincott presented the following report:

*Mr. President :*

The Committee to whom was referred Assembly bill No. 44, granting G. M. Hansom and others a right to construct a Wire Suspension Bridge across Feather River, report the same back and recommend its passage.

C. E. LIPPINCOTT,  
P. C. RUST.

Mr. McGarry presented sundry newspaper accounts.  
Read and referred to the Committee on Contingent Expenses.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, An Act to authorize the Judges of the Supreme Court to employ a Secretary.

G. W. COLBY,  
Chairman.

On motion of Mr. Hawthorne, one thousand additional copies of the Indigent Sick Bill, duly certified to by the Secretary of State, were ordered printed in pamphlet form for distribution.

Mr. Norman presented the following report :

*Mr. President:*

The Committee on Enrollment have examined and find correctly enrolled, An Act to provide for the settlement of the affairs of the State Marine Hospital at San Francisco and to dispose of the property belonging to the same.

W. B. NORMAN,  
Chairman.

Mr. McFarland presented sundry bills for subscription to the Los Angeles Star.

Read and referred to the Committee on Contingent Expenses.

On motion of Mr. Hook, one thousand additional copies of the report of the Committee on Internal Improvements were ordered printed.

Mr. Colby presented the following report:

*Mr. President:*

The Special Committee, to whom was referred the bill for an Act entitled an Act supplementary to an Act entitled an Act to Incorporate the City of Sacramento, passed March, 1851, approved March 31, 1855, have had the same under consideration, and report it back and recommend its passage with the accompanying amendments.

G. W. COLBY.

On motion of Mr. Colby, the Senate, as in Committee of the Whole, proceeded to the consideration of the same.

After some time spent therein, rose, reported the same back and recommended its passage as amended.

The amendments were then concurred in.

Bill read a third time and passed.

On motion, the Senate resolution relative to instructing the Sergeant-at-Arms to order 500 copies of the amended Fee Bill for distribution, was taken up as unfinished business.

Lost.

The Senate, on motion of Mr. Heintzelman, proceeded, as in Committee of the Whole, to the consideration of the Senate substitute for Senate bill No. 178, entitled an Act to amend an Act entitled an Act amendatory of and sup-

plementary to an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854.

After some time spent therein, rose, reported the bill back, with amendments, and recommended its passage as amended.

The amendments were then severally concurred in.

The bill ordered engrossed for a third reading to-morrow.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly passed, on the 14th inst., the following Assembly bills:

No. 88, An Act to provide for the sale of Swamp and Overflowed Lands belonging to this State.

No. 226, An Act granting the use of certain Overflowed Lands to James F. Hibbard.

No. 296, An Act to provide for the redemption of California War Bonds previous to maturity.

No. 320, An Act to authorize the Board of Supervisors which are hereafter to be elected in and for the County of Klamath to levy a special Tax for the erection of Public Buildings in said County.

No. 363, An Act to purchase the Portrait of Major General John A. Sutter.

Also, passed Assembly Concurrent Resolution relative to Military Muster-Rolls.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 363, An Act to purchase the Portrait of Major General John A. Sutter.

Taken up.

Read a first and second time and referred to the Committee on Claims.

Assembly bill No. 296, An Act to provide for the redemption of California War Bonds previous to maturity.

Taken up.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 266, An Act granting the use of certain Overflowed Lands to James F. Hibbard.

Taken up.

Read a first and second time and referred to the Committee on Public Lands.

Assembly bill No. 320, An Act to authorize the Board of Supervisors which are hereafter to be elected in and for the County of Klamath to levy a special Tax for the erection of Public Buildings in said County.

Read a first and second time and referred to Senator May from Trinity County.

Assembly Concurrent Resolution relative to Military Muster-Rolls, etc.

Read and referred to the Committee on Military.

Assembly bill No. 88, entitled an Act to provide for the sale of the Swamp and Overflowed Lands belonging to this State.

Read a first and second time, and,

On motion of Mr. Keene, was made the special order of the day for to-morrow, at 12 M.

On motion of Mr. McFarland, the Secretary was instructed to inform the

Assembly that the Senate were now prepared to meet them in Joint Convention for the purpose of electing three Trustees of the Insane Asylum at Stockton.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly is now prepared to receive the Senate in Joint Convention for the purpose of electing three Trustees of the State Insane Asylum at Stockton, in accordance with the Assembly resolution to that effect, passed on 14th inst.

J. M. ANDERSON,

Clerk of Assembly.

The Senate then, preceded by the President, repaired to the Assembly Chamber.

#### IN CONVENTION.

President *pro tem.* in the chair.

The President announced the object of the Convention.

On the roll being called, the following Senators were found to be absent without leave:

Messrs. Day, Gove, Hawks, Mahoney, May, McCoun, McNeil, Peck and Stebbins.

Mr. McFarland moved that the Convention proceed to the election of three Trustees for the Insane Asylum at Stockton, and nominated Messrs. Gove, Lester and Jordan as such Trustees.

Mr. Flournoy moved to adjourn *sine die*.

Upon which the ayes and noes were demanded by Messrs. Flournoy, Leake and French, with the following result:

#### AYES.

SENATE.—MESSRS. Burton, Colby, Gove, Hawthorne, Kendall, McGarry, Moore, Norman, Rust, Scellen and Sprague—11.

#### NOES.

MESSRS. De La Guerra, French, Hall, Heintzelman, Hook, Keene, Leake, Lippincott, Mandeville, McFarland, Tuttle and Whiting—12.

#### AYES.

ASSEMBLY.—MESSRS. Andrews, Arrington, Ashley, Adkison, Brown of Contra Costa, Buffum, Cory, Clayton, Curtis, Douglas, Edwards, Farley, Ferrell, Flournoy, Ferguson, Gaylord, Gober, Graves, Gragg, Jones, Keys, Lincoln, Mc-



Cutchan, Mellus, Meredith, Moreland, Oxley, Phelps, Ryland, Sherrard, Smith of Marin, Updegraff, Vineyard, Watkins, Waite and Mr. Speaker—36.

NOES.

Messrs. Amyx, Beatty, Bogardus, Boles, Brewton, Burke, Coombs, Cook, Cunningham of El Dorado, Cunningham of Sierra, Doughty, Foster, Geller, Hunt, Johnston of San Francisco, Kinney, McCurdy, Murdock, Palmer, Quinn, Stevens, Stevenson, Singley, Taliaferro and Wells—25.

So the Convention adjourned *sine die*.

The Senate then returned to their Chamber.

On motion of Mr. Scellen, the Senate, as in Committee of the Whole, proceeded to the consideration of the special order of the day, Assembly bill No. 278, entitled an Act concerning the organization of the Militia.

After some time spent therein, rose, reported the same back, recommending the adoption of the amendments made in Committee.

Mr. McGarry moved to refer to a select Committee of five.

Agreed to.

The Chair appointed as such Committee, Messrs. McGarry, McFarland, Moore, Scellen and Hall.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly, this day, passed Senate bill No. 191, An Act supplementary to the Act entitled an Act to amend and supplementary to an Act entitled an Act to Incorporate the City of Sacramento, passed March, 1851, approved March 31, 1855.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The Senate, as in Committee of the Whole, proceeded to the consideration of Assembly bill No. 65, entitled an Act to provide for taking the Second Census in 1855, and for taking the Census thereafter.

After some time spent therein, the Committee, on motion of Mr. Burton, rose, reported progress and asked leave to sit again.

On motion of Mr. Moore, the Senate adjourned.

SAM. PURDY,  
President of Senate.

C. DICKINSON,  
Secretary of Senate.

## IN SENATE.

TUESDAY, April 17, 1855.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Mandeville presented a petition from the "Sonora Greys."

On motion, was referred to a Select Committee of five, consisting of Messrs. McGarry, McFarland, Moore, Scellen and Hall.

Mr. Norman presented the following report:

*Mr. President :*

The Committee on Enrollment have presented, this day, to his Excellency the Governor, for his signature, the following Act:

An Act to provide for the settlement of the affairs of the State Marine Hospital at San Francisco, and to dispose of the property belonging to the same.

W. B. NORMAN,  
Chairman.

Mr. Flint presented the following report from the Committee on Claims:

*Mr. President :*

Your Committee on Committee on Claims have examined the bill to purchase the Portrait of Gen. John A. Sutter, now in the Assembly Chamber, and beg leave to report favorably and recommend its passage.

WILSON FLINT,  
Chairman.

Mr. Flint presented the following report:

*Mr. President :*

Your Committee on Claims have examied Assembly bill No. 140, for the Relief of H. B. and C. E. Paine, and beg leave to report favorably and recommend its passage.

WILSON FLINT,  
Chairman.

Mr. Norman presented the following resolution:

*Resolved*, That the Chairman of the Committee on Enrollment be empowered to employ an Assistant Clerk from this date.

Mr. Whiting offered the following as a substitute:

*Resolved*, That the Enrolling Clerk be authorized to employ a clerk to assist him in the discharge of his duties for such time as he may need his services and no longer.

Mr. Leake moved the previous question.

Sustained.

The question then being, "Shall the main question now be put?"

Decided in the affirmative.

The question then recurring on the substitute offered by Mr. Whiting.

The ayes and noes were demanded by Messrs. Whiting, Hook and Norman, with the following result:

#### AYES.

Messrs. Colby, De La Guerra, Flint, Hall, Hawks, Hawthorne, Kendall, Lippincott, McCoun, McFarland, Peck, Rust and Whiting—13.

#### NOES.

Messrs. Burton, French, Gove, Hook, Keene, Leake, May, Mandeville, McGarry, McNeil, Norman, Sprague, Stebbins and Tuttle—14.

So the substitute was lost.

The resolution offered by Mr. Norman was then adopted.

Mr. McGarry presented the account of the Columbia Gazette.

Referred to the Committee on Contingent Expenses.

Leave being granted, Mr. Burton introduced a bill entitled an Act to enable Editors and Publishers of Newspapers to publish Decisions of the Supreme Court.

Upon which the rules were suspended.

Bill considered, and,

On motion, referred to the Judiciary Committee.

Mr. Crenshaw presented the account of the Grass Valley Telegraph.

Referred to the Committee on Contingent Expenses.

Mr. Leake moved to make Senate bill No. 185, An Act to divide the State into Congressional Districts, the special order for Friday the 19th inst., at 12 M.

Agreed to.

On motion of Mr. Hawks, the Senate took under consideration Senate bill No. 201, entitled an Act to facilitate the exposure of the perpetrators of certain Frauds alledged to have been committed in the City of San Francisco.

Mr. Mandeville moved that the bill be indefinitely postponed.

Lost.

The amendments to the bill were then severally adopted.

On motion that the bill be read a third time and engrossed.

The ayes and noes were demanded by Messrs. Mandeville, Hook and Burton, with the following result:

AYES.

Messrs. Burton, Colby, Flint, French, Gove, Hall, Hawks, Hawthorne, Kendall, Lippincott, McCoun, McFarland, McNeil, Moore, Norman, Peck and Scellen—17.

NOES.

Messrs. Crenshaw, Hook, Keene, Leake, Mahoney, Mandeville, May, McGarry, Sprague and Tuttle—10.

So the motion was carried.

The Senate, as in Committee of the Whole, took under consideration Assembly bill No. 300, entitled an Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854.

After some time spent therein, rose and reported the bill back, with sundry amendments, recommending its passage as amended.

The amendments were then considered separately.

On the acceptance of the amendment of section first, the ayes and noes were demanded by Messrs. Sprague, McFarland and Heintzelman, with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, French, Gove, Hall, Hawks, Hook, Keene, Kendall, Lippincott, McCoun, McNeil, Moore, Norman, Peck, Scellen and Sprague—19.

NOES.

Messrs. De La Guerra, Flint, Heintzelman, Mahoney, Mandeville, McFarland, McGarry, Rust, Stebbins and Whiting—10.

So the amendment to the first section was adopted.

On the adoption of section fourth, as recommended by the Committee, the ayes and noes were demanded by Messrs. Heintzelman, Tuttle and Hook, with the following result:

AYES.

Messrs. Colby, French, Gove, Hawks, Hawthorne, Hook, Keene, Lippincott, Mahoney, McCoun, McFarland, McGarry, Moore, Norman, Rust, Sprague and Tuttle—18.

NOES.

Messrs. Burton, Crenshaw, Day, De La Guerra, Hall, Heintzelman, Mandeville, McNeil, Peck, Scellen and Whiting—11.

So the section was adopted.



On motion, the amendments to section fifth were concurred in.

Mr. Crenshaw moved that the amendments of Committee be concurred in generally.

Agreed to.

Mr. Tuttle offered the following proviso:

*Provided*, that a license shall be taken out for each branch of business mentioned in this article separately, and that goods, wares and merchandise shall be considered one branch of business, wines or distilled liquors one, drugs and medicines one, jewelry or wares of the precious metals one, and keeping horses or carriages for rent or hire another.

On the adoption of the proviso, the ayes and noes were demanded by Messrs. Sprague, Whiting and Tuttle, with the following result:

AYES.

Messrs Burton, Colby, Day, Hall, Hawks, Hawthorne, Lippincott, Moore, Peck, Scellen, Stebbins and Tuttle—12.

NOES.

Messrs. Crenshaw, De La Guerra, Flint, French, Gove, Heintzelman, Keene, Mahoney, Mandeville, McCoun, McGarry, McNeil, Norman, Rust, Sprague and Whiting—16.

So the proviso was lost.

Mr. Colby offered the following amendment:

Amend section eight so as to read as follows:

Section 8. On the party paying the County Treasurer or the Collector of Taxes an amount of money for license in proportion to the estimated amount of business specified in this article, and designating the town, city or particular locality of the business establishment or branch thereof for which the license is desired, the Treasurer shall, thereupon, execute and deliver to such party a receipt therefor, in which he shall specify the amount of money paid, by whom paid, and the town, city or particular locality.

First. Upon the presentation of said receipt, the County Auditor shall issue and deliver a license to the party, under the seal of his office, in which license shall be stated the kind of business authorized to be transacted, and the town, city or particular locality of such business establishment or branch. The Auditor shall, thereupon, charge the County Treasurer with the amount of money specified in said receipt, in a book kept for that purpose, and shall file said receipt as a voucher in his office. The County Treasurer shall be entitled to demand and receive one dollar for each license issued by him under this Act, to be collected from the person receiving such license, and in no case shall any other fee be allowed to County Treasurers for any service connected with the issuance of licenses.

Second. The license thus obtained shall authorize the party to transact any or all the kinds of business or occupation therein specified, at or within the town, city or particular locality specified in the same, within the limits of the

County where obtained during the term of three months from the date thereof and no longer, but may be renewed at the expiration of the term of three months, subject to change by the Auditor's estimate, or by the affidavit of the party desiring renewal, if no new estimate be made by the Auditor.

Third. Persons engaged in carrying letters, papers or documents from one part of this State to another, shall not be liable to obtain licenses for that purpose.

Fourth. Licenses may be procured by the party in person, by agent or attorney, or by any one partner in the name of all the co-partners; and in cases of corporations, by application by the President, Secretary or Attorney of such corporation; and the party in every instance making application, shall make and subscribe an affidavit or affirmation before the County Treasurer, who is hereby empowered to administer the same, that he verily believes that the amount of business to be done by the business establishment or branch thereof, within the next succeeding three months will not exceed the estimate under which he applies for license; and in all cases where an under estimate has been made, the party having made such under estimate shall be required to pay the amount necessary to make up the deficit before a new license shall issue. Licenses shall be procured immediately before the commencement of any business or occupation liable to license under this article, and shall be renewed quarterly thereafter.

Fifth. If any person or persons, corporation or corporations, or their agents, or the agent or agents of any banker or other person or persons, pursuing or commencing any of the occupations required by this article first to be licensed, neglect to take out or procure his or their license or licenses, in the manner provided by this article, within ten days from commencing the business required by this article first to be licensed, one hundred per cent shall be added to the amount which such person or persons, or corporations, would have been liable to pay, and it shall be the duty of the Sheriff of the County to proceed immediately to the seizure and sale of the goods, wares, rights and chattels of any person or persons, corporation or corporations, so neglecting to pay the amount of their licenses in the manner provided by this article, in order to pay the amount of the license (with the addition of one hundred per cent. thereto) together with the costs of seizure and sale; and in all such cases of neglect, it is hereby made the duty of the Auditor to furnish the Sheriff with an estimate of the amount due from the party so neglecting to procure license; but the Sheriff shall proceed upon any other information; and upon any wilful neglect on the part of the Sheriff, it shall be the duty of the District Attorney to proceed against him upon his bonds, and he shall be liable to pay double the amount of the license so neglected to be collected. All the moneys collected under the provisions of this article, after the fees to the Auditor and per centage to the Treasurer shall have been deducted, shall be paid into the County Treasury for State purposes.

Lost.

The bill was then read a third time and passed.

On motion of Mr. Lippincott, the Senate took under consideration Assembly bill No. 214, entitled an Act granting to George M. Hansom, Elizabeth E. Nabb and Jno. C. Fall the right to construct a Wire Suspension or Lattice Bridge across Feather River, above the Yuba River.

Read a first and second time.

Rules suspended.

Read a third time and passed.

On motion of Mr. McCoun, the Senate took under consideration Assembly bill No. 322, entitled an Act to amend an Act entitled an Act to create a

Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March 20, 1855.

Mr. May presented a statement of B. F. Ankeny, as Quartermaster of the First El Dorado Expedition.

Referred to a Select Committee consisting of Messrs. Keene, Rust and Gove.

Mr. Tuttle gave notice that he will, on to-morrow, introduce a new rule as an addition to Senate rules, providing that no Senator shall speak more than five minutes on any one bill.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed, An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854.

G. W. COLBY,  
Chairman.

Mr. Day presented the report of the Joint Committee on State Prisons.

On motion of Mr. Crenshaw, one thousand copies were ordered printed.

On motion of Mr. French, the Senate, as in Committee of the Whole, took under consideration Assembly bill No. 245, entitled an Act to protect the Owners of growing crops, buildings and other improvements in the Mining Districts of this State, and substitute Senate bill No. 195, accompanying the same.

After some time spent therein, the substitute was rejected, and the Committee rose, reported the bill back, and recommended its passage as amended.

Mr. Peck moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Tuttle, French and Scellen, with the following result:

AYES.

Messrs. Burton, Crenshaw, Hall, Lippincott, May, McGarry, Moore, Peck, Scellen and Sprague—10.

NOES.

Messrs. Colby, Day, Flint, French, Gove, Hawks, Hawthorne, Hook, Keene, Leake, Mahoney, McNeil, Norman and Tuttle—14.

So the motion to indefinitely postpone was lost.

Mr. Sprague moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Tuttle, French and Mahoney, with the following result:

AYES.

Messrs. Crenshaw, Lippincott, May, McGarry, Moore, Peck, Scellen and Sprague—8.

NOES.

Messrs. Burton, Colby, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Leake, Mahoney, McNeil, Norman and Tuttle—17.

So the motion to adjourn was lost.

Mr. Sprague moved that the bill be re-committed.

Lost.

Mr. Sprague moved that the bill be made the special order for Tuesday next.

Mr. Tuttle demanded the previous question.

Sustained.

The question then being, "Shall the main question now be put?"

Decided in the affirmative.

The question then recurred on making the bill a special order for Tuesday.

Lost.

On the motion that the Senate concur in the amendments generally.

The ayes and noes were demanded by Messrs. Sprague, Peck and Lippincott, with the following result:

AYES.

Messrs. Burton, Colby, Day, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Keene, Leake, Mahoney, McGarry, McNeil, Norman, Peck and Tuttle—18.

NOES.

Messrs. Hall, Lippincott, Scellen and Sprague—4.

So the amendments were concurred in.

On the final passage of the bill, the ayes and noes were demanded by Messrs. French, Sprague and Scellen, with the following result:

AYES.

Messrs. Colby, Day, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Keene, Leake, Mahoney, McNeil, Norman, Sprague and Tuttle—16.

NOES.

Messrs. Burton, Hall, Lippincott, McGarry, Peck and Scellen—6.

So the bill was passed.

Mr. Sprague gave notice that, on to-morrow, he would move a re-consideration of the vote by which the bill passed.

According to previous notice, Mr. Day presented a bill entitled an Act relative to the Incorporation of Colleges.

Read a first and second time and referred to the Committee on Education.

Mr. Colby gave notice that he would, on to-morrow, introduce a bill for an



Act to amend section seventh of an Act entitled an Act to Fund the Floating Debt of Sacramento County, and to provide for the payment of the same, passed April 13, 1854.

Also, a bill for an Act concerning the Swamp and Overflowed Land in this State.

Mr. Keene moved to take from the table Senate resolution fixing the time for the meeting of the Senate.

Agreed to.

Mr. Keene offered the following substitute:

*Resolved*, That the twenty-seventh standing rule of the Senate be amended so as to read as follows:

Rule 27. The hour of meeting of the Senate shall be 10 A. M., of each day, (Sundays excepted) and in case any other is named, it shall be applied only to one day, and shall not effect this rule beyond the day named for a different hour of meeting.

Adopted.

Mr. Colby offered the following resolution:

*Resolved*, That his Excellency, the Governor, be and he is hereby requested to transmit to the Senate any information which he may have received from County Auditors in relation to the amount allowed and paid for the assessment in the several Counties of this State; and, also, the amount allowed and paid for the collection and disbursement of State and County revenues in the several Counties of this State.

Adopted.

On motion of Mr. Scellen, the Senate adjourned.

SAM. PURDY,  
President of Senate.

C. DICKINSON,  
Secretary of Senate.

## IN SENATE.

WEDNESDAY, April 18, 1855.

Senate met pursuant to adjournment.

President in the chair.

The Journal of yesterday was read and approved.

Mr. McFarland presented a petition from the City Guards of Los Angeles.

Read and referred to the Select Committee on Militia.

Mr. Hook presented the account of the Mountain Democrat, amounting to \$46.

Read and referred to the Committee on Contingent Expenses.

Mr. Kendall presented the following letter from Hon. S. A. McMeans, State Treasurer:

STATE TREASURER'S OFFICE, }  
Sacramento, April 14, 1855. }

*Hon. Thos. Kendall:*

SIR:—

Learning that a bill directing the purchase of a safe to be placed in the Court House vault of this County for the use of the State Treasurer has passed both Houses of the Legislature and is likely to become a law, I feel it my indispensable duty to state that a number of prominent gentlemen of this County have assured me that it is the intention of the County officers to occupy the building and vaults in the Court House for county purposes, and that the County will not permit a safe belonging to the State to be placed there. In addition to this, I will further state, that the Common Council have adopted a resolution refusing to pay a rent for State offices. This leaves me, sir, a tenant at will in the hands of private individuals, and I know not at what moment I may be turned into the street with all my books, papers, etc., without the means of securing a place for their safe keeping. I cannot, for a moment, suppose that any act of mine will be recognized as legal and binding upon the State, after the refusal of the Senate to pay my attorney for important services rendered in the case of *Hastings vs. the State Treasurer*. Should that Act impose a pecuniary obligation upon the State Treasurer? and in sheer self-defense, should the Legislature leave me unprovided with an office or the means of procuring one, I would not dare contract for an office upon the presumption that the State would foot the bill.

I have the honor to be,

Very respectfully,

Your obedient servant,

S. A. McMEANS,

State Treasurer.

Referred to the Committee on Public Buildings.

Mr. May presented the following report:

*Mr. President:*

The Committee on Military Affairs, to whom was referred Assembly Concurrent Resolution relative to Military Muster-Rolls, etc., report the same back and recommend its adoption.

W. B. MAY.

Mr. Flint presented the following report from the Committee on Claims:

*Mr. President:*

Your Committee on Claims have had the bill of S. A. Frisbee under consideration, and beg leave to report it back for the consideration of the Senate.

WILSON FLINT,  
Chairman.

Mr. Flint presented the following report:

*Mr. President:*

Your Committee on Claims have examined the bill for the relief of Wm. A. Love, Sheriff of Trinity County, and beg leave to report it back for the consideration of the Senate.

WILSON FLINT,  
Chairman.

Mr. Flint presented the following report:

*Mr. President:*

Your Committee on Claims have had the bill for the Relief of F. J. A. Chambers under consideration, and beg leave to report it back for the consideration of the Senate.

WILSON FLINT,  
Chairman.

Mr. Heintzelman presented the following report:

*Mr. President:*

Senate Committee on Agriculture, to whom was referred Assembly bill No. 23, An Act concerning Estrays, have had the same under consideration, and beg leave to report the same back for the consideration of the Senate.

H. P. HEINTZELMAN.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly did, on the 13th inst., pass the following bills:

Assembly bill No. 229, An Act to fix the compensation of District Attorneys for the several Counties of this State.

Also, Assembly bill No. 301, An Act to authorize J. P. Lane, R. S. Mathews and others to construct a Wagon Road from San Juan Valley to the San Joaquin Valley, and to provide for the tolls to be collected on the same.

Also, passed on the 14th inst., the following bills:

Assembly bill No. 313, An Act supplemental to and amendatory of an Act entitled an Act to create a Board of Supervisors for the County of Alameda, approved March 19, 1855, and to repeal so much of an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March 20, 1855, as may apply to the County of Alameda.

Also, Assembly bill No. 329, An Act to prevent Frauds in re-packing, marking and vending of Flour in this State.

Also, passed on 17th inst., Assembly bill No. 368, An Act supplementary to and explanatory of an Act entitled an Act to prohibit Lotteries, Raffles, Gift Enterprises and other schemes of a like character, passed April 10, 1855.

Also, Assembly bill No. 350, An Act to discharge the Board of Examiners of War Claims from further duties, and to abolish the same.

Also, Assembly bill No. 332, An Act entitled an Act to fix the time of holding the Terms of the District Courts throughout this State.

Also, Assembly bill No. 335, An Act amendatory of and supplementary to an Act entitled an Act to create a Board of Supervisors for the County of San Diego, and define their duties, approved May 3, 1852.

Also, Assembly bill No. 293, An Act for the Relief of Joseph Marzen and Bernhardt Mayer.

Also, Assembly bill No. 190, An Act to amend an Act regulating Elections, passed March 23, 1850.

Also, Assembly Resolution No. 1, relative to the establishment of an additional Land District in this State.

Also, passed on the 17th, Senate bill No. 180, An Act to amend an Act dividing the State into Counties and establishing Seats of Justice therein, passed April 25, 1851.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 190, An Act to amend an Act regulating Elections, passed March 23, 1850.

Read a first and second time and referred to the Committee on Elections.

Assembly bill No. 293, An Act for the Relief of Joseph Marzen and Bernhardt Mayer.

Read a first and second time and referred to the Committee on Claims.

Assembly bill No. 235, An Act amendatory of and supplementary to an Act entitled an Act to create a Board of Supervisors for the County of San Diego, and to define their duties, approved May 3, 1852.



Read a first and second time and referred to the Committee on the Judiciary.

Assembly bill No. 332, An Act to amend an Act entitled an Act to fix the time for holding the Terms of the District Courts throughout this State, passed May 18, 1853.

Read a first and second time and referred to the Committee on Indian Affairs.

Assembly bill No. 350, An Act to discharge the Board of Examiners of War Claims from further duties, and to abolish the same.

Read a first and second time and referred to the Committee on Indian Affairs.

Assembly bill No. 368 An Act supplementary to and explanatory of an Act entitled an Act to prohibit Lotteries, Raffles, Gift Enterprises and other schemes of a like character, passed April 10, 1855.

Read a first and second time, and,

On motion, was indefinitely postponed.

Assembly bill No. 329, An Act to prevent Frauds in re-packing, marking and vending of Flour in this State.

Read a first and second time and referred to the Committee on Commerce and Navigation.

Assembly bill No. 313, An Act supplemental to and amendatory of an Act entitled an Act to create a Board of Supervisors for the County of Alameda, approved March 19, 1855, and to repeal so much of the Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March 20, 1855, as may apply to the County of Alameda.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 301, An Act to authorize J. P. Lane, R. S. Matthews and others to construct a Wagon Road from San Juan Valley to the San Joaquin Valley, and to provide for the tolls to be collected on the same.

Read a first and second time and referred to the Committee on Internal Improvements.

Assembly bill No. 229, An Act to fix the compensation of District Attorneys for the several Counties of this State.

Read a first and second time and laid on the table.

Assembly Joint Resolution No. 1, relative to the establishment of an additional Land District in this State.

Read a first and second time.

Rules suspended.

Read a third time and passed.

On motion of Mr. Colby, the Senate took up Senate bill No. 58, entitled an Act concerning Ejectments.

Mr. McFarland moved that the bill be indefinitely postponed.

Mr. McFarland moved a call of the Senate.

Agreed to.

The following Senators were found absent without leave:

Messrs. Day, McGarry, Rust and Whiting.

Mr. Colby moved that further proceedings under the call be dispensed with.  
Lost.

Messrs. Rust and Day appeared at the bar of the Senate and were admitted.

Mr. May moved that the call be suspended.

Lost.

Mr. Hawks moved that the call be suspended.

Carried.

Mr. Burton moved the previous question.

Sustained.

The question then being, "Shall the main question now be put?"

Decided in the affirmative.

The question being on the indefinite postponement of the bill.

The ayes and noes were demanded by Messrs. McFarland, Burton and Heintzelman, with the following result:

AYES.

Messrs. Burton, Day, De La Guerra, Flint, Hall, Hawthorne, Kendall, Man-deville, McCoun, McFarland, McNeil, Moore, Peck, Scellen and Whiting—15.

NOES.

Messrs. Colby, Crenshaw, French, Gove, Hawks, Heintzelman, Hook, Keene, May, Norman, Rust, Sprague and Tuttle—13.

So the bill was indefinitely postponed.

Mr. May presented the following report:

*Mr. President :*

Your Committee on Military, to whom was referred Assembly bill No. 358, An Act to amend an Act to exempt Firemen from Militia Service and Jury Duty, passed March 25, 1853, have had the same under consideration and report it back to the Senate, without amendment, recommending its passage.

W. B. MAY.

On motion of Mr. Tuttle, the Senate took under consideration Assembly bill No. 217, entitled an Act amendatory of an Act concerning County Recorders, passed March 26, 1851.

Amendments were adopted.

Bill read a third time and passed.

On motion of Mr. Gove, the Senate took under consideration Assembly bill No. 140, entitled an Act for the Relief of H. B. and C. E. Paine.

Read a third time and passed.

Leave being granted, Mr. Hawks introduced a bill entitled an Act to consolidate the City and County of San Francisco, and to provide for their Local Government.

Read a first and second time, referred to the San Francisco Delegation, and double the usual number of copies ordered printed.

The Senate then, as in Committee of the Whole, proceeded to the consideration of the special order of the day, Assembly bill No. 197, An Act supplementary to an Act to provide for the permanent location of the Seat of Government of the State of California.

After some time spent therein, the Committee rose, reported the bill back, with amendments, and recommended its passage.

Mr. Day offered the following amendment:

*Provided*, that if, at the first election above prescribed, any one place shall have a majority of 25, the votes cast, then that place shall be decided to be the permanent Seat of Government.

Mr. Sprague moved that the bill be indefinitely postponed.

Mr. Tilton announced the previous question.

Sustained.

The question then being, "Shall the main question now be put?"

Decided in the affirmative.

The question then being the amendment offered by Mr. Day.

Carried.

On the motion to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Sprague, Peck and French, with the following result.

#### AYES.

Messrs. Burton, Cobby, Crenshaw, French, Gore, Hook, Keene, Leake, Sprague and Tilton—10.

#### NOES.

Messrs. Day, De La Guerra, Flint, Hall, Hawks, Hawthorne, Heintzelman, Lippincott, Mahoney, McCoun, McFarland, McGarry, McNeil, Moore, Norman, Peck and Stephens—17.

So the Senate refused to indefinitely postpone the bill.

On the final passage of the bill, the ayes and noes were demanded by Messrs. Keene, Cobby and Stephens, with the following result.

#### AYES.

Messrs. Day, De La Guerra, Flint, Hall, Hawks, Hawthorne, Heintzelman, Lippincott, Mahoney, McCoun, McFarland, McGarry, McNeil, Moore, Norman, Peck and Stephens—17.

#### NOES.

Messrs. Burton, Cobby, Crenshaw, French, Gore, Hook, Keene, Leake, May, Sprague and Tilton—11.

So the bill was passed.

The following message was received from His Excellency, the Governor:

#### EXECUTIVE DEPARTMENT.

Sacramento, April 18, 1855.

*To the Senate of California:*

In compliance with a resolution this day received, requesting the Governor to transmit to the Senate any information which he may have received from County Auditors in relation to the amount allowed and paid for the assessment in the several Counties of this State; and, also, the amount allowed and paid for the

collection and disbursement of State and County Revenues in the several Counties of the State," I have the honor herewith to transmit such information relative to the subject as can be gleaned from documents on file in this office.

The same has been carefully compiled and arranged in separate tables, viz : tables A and B.

Table A contains full returns from seventeen counties, exhibiting the gross amounts paid for assessment and collection of revenue, and about half of the returns from the counties named in table A include the amount paid to auditor and treasurer.

Table B contains partial returns from fourteen counties, showing the amounts paid for assessment alone ; no returns having been received exhibiting the amount paid for collection.

It will be observed that although but partial returns have been received from many of the Counties named, and none at all from others, the amount ascertained to have been actually paid for the assessment and collection of revenue for the past year, has reached the large sum of \$297,617 57.

Judging from the returns, there can be little doubt that, had full returns been received from all the Counties of the State, they would have exhibited the fact that a sum exceeding \$400,000 was paid during the year 1854, for the assessment and collecting of State and County revenue.

It is deemed proper in this connection to remark that, with a view of ascertaining the gross amount annually paid for those purposes, and, also, whether the same could not be materially lessened by a modification of existing laws, I applied to the Controller of State for the purpose of obtaining the information desired. Finding, however, that the books of the Controller's office did not exhibit the facts required, I applied by circular to the County Auditor's of the several Counties of the State, and from the returns of those officers, have compiled, at the earliest possible moment, the facts and figures set forth in tables A and B which are herewith transmitted for your early and careful consideration.

It is hoped that you will, if possible, at the present session adopt such measures as may be deemed necessary to institute greater economy in the assessment and collection of State and County Revenue.

JOHN BIGLER.



TABLE A.

	Amt. paid for assess- ment, 1854.	Amt. paid for collecting Revenue for 1854.
Amador County, - - - -	\$ 768 00	\$ 3,542 62
Alameda, - - - -	1,902 00	7,375 01
Butte, - - - -	1,968 00	8,620 04
Contra Costa, - - - -	822 00	3,624 06
Humboldt, - - - -	804 00	1,358 86
Napa, - - - -	568 00	2,610 59
Nevada, - - - -	2,768 00	16,430 56
Placer, - - - -	3,456 00	20,093 18
Sacramento, - - - -	6,184 28	29,672 70
San Francisco, - - - -	17,148 00	61,886 85
San Joaquin, - - - -	2,122 00	12,113 63
Santa Clara, - - - -	3,080 00	14,502 82
Shasta, - - - -	1,456 00	3,886 93
Santa Barbara, - - - -	560 00	909 61
Tulare, - - - -	703 36	235 36
Tuolumne, - - - -	4,240 00	13,763 96
Yuba, - - - -	4,008 00	21,171 35
	<hr/> \$52,557 64	<hr/> \$221,798 13
		52,557 64

Total amount paid for assessment and collection of revenue in  
seventeen Counties, - - - - - 274,335 77  
Amount paid for assessment in seventeen Counties, - - - - - 19,021 80

Total amount paid for assessment of revenue in thirty-one Coun-  
ties, and collection of same in seventeen Counties, as exhibited  
by documents in this office, - - - - - \$293,377 57

TABLE B.

	Paid for assessment, 1854.	For collection.
Calaveras County, - - - -	\$4,494 00	No returns.
Klamath, - - - -	804 00	"
Mariposa, - - - -	2,256 00	"
Monterey, - - - -	1,596 00	"
Plumas, - - - -	1,080 00	"
Los Angeles, - - - -	1,008 00	"
Sonora, - - - -	1,744 00	"
Siskiyou, - - - -	1,316 30	"
Solano, - - - -	1,508 00	"
San Bernardino, - - - -	328 00	"
Sutter, - - - -	945 00	"
Trinity, - - - -	701 00	"
Yolo, - - - -	1,241 50	"

Total amount paid in fourteen Counties for assess-  
ment alone, - - - - - \$19,021 80

No returns as to amount paid for collection.

From the Counties of El Dorado, Marin, San Diego, San Luis Obispo and Stanislaus no returns have been received.

Leave being granted, Mr. Stebbins introduced a bill entitled an Act to provide for Funding the Floating Debt of the City of Marysville and for the extinguishment thereof.

Read a first and second time and referred to the Yuba Delegation.

Mr. Burton submitted the following report:

*Mr. President :*

Your Committee to whom was referred Senate bill No. 209, An Act to enable Editors and Publishers of Newspapers to publish Decisions of the Supreme Court, have had the same under consideration, and beg leave to report the same back, without amendment, and recommend its passage.

E. F. BURTON.

According to previous notice, Mr. Colby introduced a bill entitled an Act to secure to California the Lands to which she is entitled by Act of Congress, approved Sept. 28, 1850.

Read a first and second time and referred to the Committee on Public Lands.

Mr. May moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. May, Hawks and Keene, with the following result:

AYES.

Messrs. Leake, May, McGarry, and Stebbins—4.

NOES.

Messrs. Colby, Crenshaw, Day, Gove, Hall, Hawks, Hawthorne, Hook, Keene, Lippincott, Mahoney, McCoun, McNeil, Moore, Norman, Peck, Scellen and Tuttle—18.

So the Senate refused to adjourn.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed, An Act to facilitate the exposure of the perpetrators of certain Frauds alleged to have been committed in the City of San Francisco.

G. W. COLBY,  
Chairman.

Mr. Leake offered the following Concurrent Resolution:

*Resolved*, (by the Senate, the Assembly concurring,) That Wm. L. McKien,

Esq., Treasurer of Amador County, have leave of absence from the State for the period of six months, within the year of our Lord one thousand eight hundred and fifty-five.

Adopted.

Mr. Hawks moved to take up Assembly bill No. 246, entitled an Act to change the name of John Clark Patt to John Patt Clark.

Upon which the ayes and noes were demanded by Messrs. May, French and Stebbins with the following result:

AYES.

Messrs. Burton, De La Guerra, Gove, Hall, Hawks, Hawthorne, Hook, Keene, Kendall, Lippincott, Mahoney, McCoun, McFarland, McGarry, McNeil, Moore, Peck, Scellen, Sprague and Tuttle—20.

NOES.

Messrs. French and May—2.

The bill was then considered.

Amendments adopted.

Bill read a third time and passed.

Mr. Scellen moved to take up unfinished business.

Lost.

Mr. Crenshaw moved to take up Senate bill No. 171, concerning Immigration of persons to this State who are not eligible to citizenship.

Upon which the ayes and noes were demanded by Messrs. Crenshaw, Norman and Gove, with the following result:

AYES.

Messrs. Burton, Crenshaw, Day, French, Gove, Hawks, Hawthorne, Hook, Keene, Kendall, May, McFarland, McNeil, Norman, Peck and Rust—16.

NOES.

Messrs. Hall, McCoun, McGarry, Moore, Scellen, Sprague, Stebbins, Tuttle and Whiting—9.

On motion, the bill was then made the special order for Friday next, at 12, M.

On motion of Mr. McFarland, the Senate, as in Committee of the Whole, took under consideration Assembly bill No. 259, entitled an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed May 17, 1853.

After some time spent therein, the Committee rose, reported the bill back, with amendments, and recommended its passage.

The bill was then read a third time and passed.

On motion of Mr. Scellen, the Senate, as in Committee of the Whole, took under consideration Assembly bill No. 65, An Act to provide for taking the Second Census for 1855, and for taking the Census thereafter.

Mr. Keene moved that the Committee rise and report the bill back.

Lost.

On motion of Mr. Burton, the Committee rose, reported the bill back, with amendments, and recommended its passage as amended.

Mr. Lippincott moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Hawks, Scellen and Rust, with the following result:

AYES.

Messrs. Colby, Crenshaw, French, Hall, Hook, Keene, Kendall, Lippincott, Mahoney, Sprague, Stebbins, Tuttle and Whiting—13.

NOES.

Messrs. Burton, Day, Flint, Gove, Hawks, Hawthorne, Leake, McCoun, McFarland, McGarry, McNeil, Moore, Norman, Peck, Rust and Scellen—16.

So the Senate refused to adjourn.

Mr. Stebbins moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Norman, Leake and Stebbins, with the following result:

AYES.

Messrs. Colby, Crenshaw, De La Guerra, Flint, French, Hall, Hawthorne, Hook, Keene, Kendall, Lippincott, Mahoney, McNeil, McFarland, Sprague, Stebbins, Tuttle and Whiting—18.

NOES.

Messrs. Burton, Day, Gove, Hawks, May, McGarry, Moore, Norman, Peck, Rust and Scellen—11.

So the Senate adjourned.

SAM. PURDY,  
President of Senate.

C. DICKINSON,  
Secretary of Senate.



## IN SENATE.

THURSDAY, April 19, 1855.

The Senate met pursuant to adjournment.

The President in the chair.

The Journal of yesterday was read and approved.

Mr. Gove presented a petition from citizens of Sacramento praying for a law regarding swine.

Referred to the Committee on Agriculture.

Mr. May presented the following report :

*Mr. President :*

The Special Committee of the Senate, to whom was referred Assembly bill, No. 320, An Act to authorize the Board of Supervisors which is hereafter to be elected in and for the County of Klamath to levy a special Tax for the erection of Public Buildings in said county, has considered the same and report it back to the Senate with sundry amendments, recommending its passage as amended.

W. B. MAY.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have considered Senate bill, No. 196, entitled An Act supplementary to an Act entitled an Act to regulate Fees in Office, passed March 30, 1855, and have directed me to report the same back without amendment, recommending its passage.

R. T. SPRAGUE,

Chairman.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee have had under consideration Senate bill No. 184, entitled An Act to regulate Proceedings in Civil Cases in Courts of Justice of this State, passed April 29, 1851, and have directed me to report the same back with a substitute, recommending the passage of the substitute.

R. T. SPRAGUE,

Chairman.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have considered Assembly bill No. 355, entitled An Act to provide for the appointment of a reporter of the decisions of the Supreme Court and for the publication of the same, and have directed me to report the same back, with sundry amendments, recommending that the same be passed as amended.

R. T. SPRAGUE,  
Chairman.

Mr. Hook made a verbal report from the Committee on Indian Affairs, recommending the passage of Assembly bill No. 350, entitled an Act to discharge the Board of Examiners of War Claims from further duties, and to abolish the same.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have considered Assembly bill No. 335, entitled an Act amendatory of and supplementary to an Act to create a Board of Supervisors for the County of San Diego, and to define their duties, approved May 3, 1852, and have directed me to report the same back, without amendment, recommending its passage.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have considered Senate bill No. 200, entitled an Act to secure the early publication and distribution of the Decisions of the Supreme Court of this State, and have directed me to report it back, without amendment, recommending its indefinite postponement.

R. T. SPRAGUE,  
Chairman.

Mr. Keene presented a petition from public citizens praying for the relief of Capt. P. L. Smith.

Referred to the Committee on Public Expenditures.

Mr. May presented a petition from citizens of the disputed territory between the Counties of Trinity and Klamath.

Referred to the Delegation from Shasta and Trinity.

On motion of Mr. Burton, the Senate took under consideration Senate bill No. 209, entitled an Act to enable Editors and Publishers of Newspapers to publish Decisions of the Supreme Court.

Mr. Sprague moved to lay the bill on the table.

Lost.

Mr. Keene moved to lay the bill on the table.

Carried.

Mr. Hawks presented the following report:

*Mr. President:*

The Committee on Education, to whom was referred Senate bill No. 126, for an Act to compensate Mrs. Sarah Staples, Teacher of the Pioneer School of the County of Tuolumne, have had the same under consideration, and report it back to the Senate, recommending its passage without amendment.

W. W. HAWKS,  
Chairman.

The following report was received from the Committee on Commerce and Navigation:

*Mr. President:*

The undersigned, members of the Committee on Commerce and Navigation, have had under consideration Senate bill No. 188, An Act to establish Steam Ferriage on the Bay of San Francisco, and render San Antonio Creek navigable, ask leave to report the same back to the Senate and recommend its passage.

B. C. WHITING,  
G. D. HALL,  
W. W. HAWKS.

Mr. Norman presented the following report:

*Mr. President:*

The Committee on Enrollment have examined and find correctly enrolled, the following bills, viz :

An Act supplementary to the Act entitled an Act to Incorporate the City of Sacramento, passed March, 1851, approved March 31, 1855.

An Act supplementary to and amendatory of an Act to Incorporate the City of Marysville, passed March 5, 1855.

An Act to create the County of Merced, to define its Boundaries and to provide for its Organization.

W. B. NORMAN,  
Chairman.

Mr. Norman presented the following report :

*Mr. President:*

The Joint Committee on Enrollment have, this day, presented to his Excellency, for his signature, the following Acts, viz :

An Act supplementary to the Act entitled an Act to Incorporate the City of Sacramento, passed March, 1851, approved March 31, 1855.

An Act supplementary to and amendatory of an Act to Incorporate the City of Marysville, passed March 5, 1855.

An Act to create the County of Merced, to define its Boundaries and to provide for its Organization.

W. B. NORMAN,  
Chairman.

On motion of Mr. Hook, the Senate took up Assembly bill No. 350, An Act to discharge the Board of Examiners of War Claims from further duties, and to abolish the same.

The bill was then read a third time and passed.

Leave being granted, Mr. Whiting introduced a bill entitled an Act to amend an Act entitled an Act to regulate Fees in Office, approved April 10, 1855.

Read a first and second time and referred to the Judiciary Committee.

On motion of Mr. Peck, the Senate took under consideration Assembly bill No. 187, An Act amendatory of an Act, passed March 23, 1850, entitled an Act to regulate Elections.

Mr. Norman moved that the bill be indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. Leake, French and Hawks, with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, De La Guerra, French, Hall, Hawks, Hook, Keene, Kendall, Leake, Lippincott, Mahoney, May, McFarland, McNeil, Moore, Norman, Sprague, Stebbins and Whiting—22.

NOES.

Messrs. Flint, Hawthorne, McCoun, Peck, Scellen and Tuttle—6.

So the bill was indefinitely postponed.

Mr. French moved to re-consider the vote by which the bill was indefinitely postponed.

Mr. Peck moved a call of the Senate.

Agreed to.

On motion, leave of absence was granted to Messrs. Mandeville and Heintzelman.

The following Senators were found absent without leave:

Messrs. Colby, Day, Kendall and Rust.

Messrs. Day, Kendall and Colby appeared at the bar of the Senate and were admitted, and,

On motion further proceedings under the call were dispensed with.

On the motion to re-consider the vote by which the bill was indefinitely postponed, the ayes and noes were demanded by Messrs. Hawks, French and Leake, with the following result:

AYES.

Messrs. Flint, Gove, Hawks, Hawthorne, May, McCoun, Peck, Scellen, Stebbins and Tuttle—10.



NOES.

Messrs. Burton, Colby, Crenshaw, Day, De La Guerra, French, Hall, Hook, Keene, Kendall, Leake, Lippincott, Mahoney, McFarland, McGarry, McNeil, Moore, Norman, Sprague and Whiting—20.

So the motion to re-consider was lost.

The Senate then took up the special order of the day, Senate bill No. 79, a bill to be entitled an Act to provide for the Survey and Improvement of an Immigrant Wagon Road across the Sierra Nevada.

Mr. Norman moved that the bill be made the special order of the day for Thursday next.

Upon which the ayes and noes were demanded by Messrs. Kendall, Leake and French, with the following result:

AYES.

Messrs. De La Guerra, Kendall, Leake, May, McCoun, McFarland, McNeil, Moore, Norman, Peck, Sprague and Whiting—12.

NOES.

Messrs. Burton, Colby, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Hook, Keene, Lippincott, Mahoney, McGarry, Rust, Stebbins and Tuttle—17.

So the motion was lost.

Mr. Norman moved that the bill be indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. Kendall, French and Norman, with the following result:

AYES.

Messrs. Burton, Kendall, Leake, McCoun, McFarland, McNeil, Norman, Peck, Scellen, Sprague and Whiting—11.

NOES.

Messrs. Colby, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Hook, Keene, Mahoney, May, McGarry, Rust, Stebbins and Tuttle—16.

So the motion to indefinitely postpone was lost.

The bill was then considered as in Committee of the Whole.

After some time spent therein, the Committee rose and reported the bill back to the Senate.

Mr. McCoun moved to lay the bill on the table.

Mr. Day moved a call of the Senate.

Carried.

The following Senators were found absent without leave:

Messrs. Crenshaw, Leake and Moore.

On motion, further proceedings under the call were dispensed with.

Mr. Whiting moved to adjourn.

Mr. Hawthorne arose to a privileged question.

Mr. Whiting then gave way.

Mr. Hawthorne moved to re-consider the vote by which the Ejectment Bill was indefinitely postponed.

The Chair declared the motion out of order.

On motion of Mr. Peck, the Senate adjourned.

SAM. PURDY,

President of Senate.

C. DICKINSON,

Secretary of Senate.

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## IN SENATE.

FRIDAY, April 20, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read, and,

On motion of Mr. French, was corrected so as to read—

“ Mr. Whiting moved to adjourn,  
When Mr. Hawthorne rose to a privileged question,  
Mr. Whiting withdrew his motion to adjourn.”

Mr. McGarry presented a petition from J. T. F. Price for Relief.

Referred to the Committee on Claims.

Mr. French presented the account of the San Joaquin Republican newspaper.

Referred to the Committee on Contingent Expenses.

Mr. Flint presented the following report from the Committee on Claims:

*Mr. President :*

Your Committee on Claims have had under consideration the account of Sam. G. Gray, and recommend it be referred to the Committee on Contingent Expenses.

WILSON FLINT,

Chairman.

The account was so referred.

Mr. Flint presented the following report:

*Mr. President :*

Your Committee on Claims have examined the bill for the Relief of R. P. Ashe for compensation for keeping prisoners while Sheriff of San Joaquin County, and beg leave to report it back for the consideration of the Senate.

WILSON FLINT,  
Chairman.

Mr. Flint presented the following report:

*Mr. President :*

Your Committee on Claims have examined the petition of J. F. Howe for compensation for furnishing copy of Journals to State Printer while Secretary of the Senate in 1850 and 1851, and beg leave to report that he has never received compensation for the same.

Your Committee would further report that compensation was allowed the Secretary of the Senate in 1853 and 1854, for the copies of the Journal furnished the State Printer; therefore, regarding the claims of the petitioner having the same equities, your Committee would respectfully recommend that the prayer of the petitioner be granted.

WILSON FLINT,  
Chairman.

Mr. Flint presented the following report:

*Mr. President :*

Your Committee on Claims have examined the petition of James Austin for relief of lost bonds, and beg leave to report that, from all evidence they can gather, they are satisfied that the scrip described in the petition was destroyed by fire as alleged, and would respectfully report in favor of the petitioner.

WILSON FLINT,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 91, for an Act in relation to Estates of Joint Tenancy, and now ask leave to report the same back, without amendment, and recommend its passage.

Also, have considered Assembly bill No. 313, for an Act supplementary to and amendatory of the Act to create a Board of Supervisors for the County of Alameda, and report the same back, without amendment, and recommend its passage, provided the Senator from Alameda and Santa Clara agree to the same.

R. T. SPRAGUE,  
Chairman.

Mr. McGarry presented the following report:

*Mr. President:*

The Committee on Contingent Expenses, to whom was referred the following accounts, have had the same under consideration, and instructed me to report the same back and recommend their payment:

Calaveras Chronicle, for five copies furnished Senators per order,	-	\$15 00
Grass Valley Telegraph, nineteen copies weekly, per order Sergeant-at-Arms,	-	52 25
Seventeen copies State Tribune, daily,	-	103 70
Four copies Columbia Gazette,	-	11 00
Jas. Anthony & Co, fifteen copies Daily Union,	-	127 50
Los Angeles Star, three copies furnished Senators last session,	-	11 25

All of which is respectfully submitted,

EDW. MCGARRY,  
Chairman.

Report accepted and account ordered paid.

By leave, Mr. Leake introduced a bill entitled an Act supplementary to and explanatory of an Act entitled an Act to prohibit Lotteries, Raffles, Gift Enterprises and other schemes of a like character, passed April 10, 1855.

Read a first and second time and laid on the table.

Mr. Hall presented the following report:

*Mr. President:*

The Judiciary Committee report that they have examined Senate bill No. 203, for an Act to legalize proceedings in the different Courts in this State which have been established by an Act of the Legislature with jurisdiction in cases of more than two hundred dollars, have made an amendment thereto, and recommend its passage as amended.

G. D. HALL.

Mr. Hall presented the following report:

*Mr. President:*

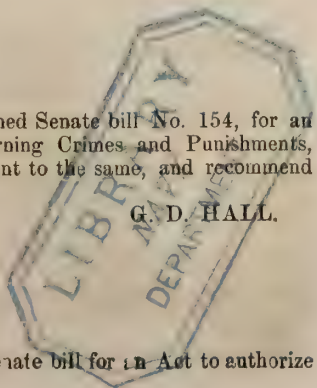
The Committee on the Judiciary have examined Senate bill No. 154, for an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850, have made an amendment to the same, and recommend its passage as amended.

G. D. HALL.

Mr. Hall presented the following report:

*Mr. President:*

The Judiciary Committee have considered Senate bill for an Act to authorize





the Governor to issue Patents, have adopted a substitute therefor, and report it to the Senate with a favorable recommendation.

G. D. HALL.

Mr. McGarry presented the following report:

*Mr. President:*

The Select Committee to whom was referred Assembly bill No. 238, An Act concerning the organization of the Militia, have had the same under consideration, made amendments thereto, and recommend the adoption of the amendments and the passage of the bill.

ED. MCGARRY,  
G. D. HALL,  
JNO. D. SCELLEN,  
J. P. MCFARLAND.

The bill was then taken up.  
Amendments concurred in.  
Bill read a third time and passed.

Mr. May presented the following report:

*Mr. President:*

The Special Committee to which was referred the petitions of citizens of Klamath and Trinity Counties praying for a change in the boundaries of said Counties, have had the same under consideration, and beg leave to report a bill and recommend its passage.

W. B. MAY,  
Chairman.

The bill was then taken up.  
Rules suspended.  
Read a third time and passed.

Mr. Kendall offered the following resolution:

*Resolved*, (by the Senate, the Assembly concurring,) That the Chairman of the Judiciary Committee of the Senate, and the Chairman of the Judiciary Committee of the Assembly, be required to examine the compilation and digest of the laws of this State, prepared by W. H. R. Woods, deputy Secretary of State, and if they find the same correct and approve of it, to authorize the publication of one thousand copies for the use of the State; *provided*, the total cost of the same shall not exceed ten dollars per volume; *and provided further*, that the laws passed at the present session of the Legislature be included in the compilation.

Mr. Norman moved that the resolution be laid on the table.

Mr. Keene moved to amend by striking out all after the words "approved of it," and insert the words "report the same to the Legislature."

Adopted.

Mr. Tuttle moved that the resolution be indefinitely postponed.

Lost.

Mr. Norman offered the following amendment:

*Provided, also,* that no other expenses shall be incurred by the State for the printing of the same.

Adopted.

On the passage of the resolution, the ayes and noes were demanded by Messrs. French, Tuttle and McGarry, with the following result:

AYES.

Messrs. Colby, Crenshaw, Day, De La Guerra, French, Gove, Keene, Kendall, Leake, Lippincott, Mahoney, May, McCoun, McNeil, Moore, Norman, Peck, Rust, Sprague, Stebbins and Whiting—21.

NOES.

Messrs. Burton, Flint, Hawthorne, McFarland, Scellen and Tuttle—6.

So the resolution was passed.

Mr. Mahoney moved to take up Senate bill No. 101, entitled an Act authorizing the construction of a Wharf at Half Moon Bay in the County of San Francisco.

Agreed to.

The bill was then considered.

Amendments concurred in.

Read a third time.

On motion of Mr. Norman, the Senate re-considered the vote by which the bill went to a third reading.

Mr. Norman offered an additional section.

Adopted.

The bill was then read a third time and passed.

The Senate, as in Committee of the Whole, took up the unfinished business of yesterday, Assembly bill No. 244, An Act to provide for the Survey and Construction of a Wagon Road across the Sierra Nevada Mountains.

On motion of Mr. Keene, the same was considered as in the Senate.

Mr. Burton moved to strike out the enacting clause.

Mr. Norman called for the special order of the day.

Mr. Keene moved that the special order for to-day be made the special order for to-morrow.

Agreed to.

Mr. Burton withdrew his motion to strike out the enacting clause.

Mr. Sprague offered the following amendment to section first:

First line, strike out the words "a good" and insert the word "three." In second line, add letter "s" to the word "road;" and after the word "California," second line, the words "one in the southern, one in the central and one in the northern portion of the State."

Mr. Tuttle moved a call of the Senate.

Sustained.

The following Senators were found absent without leave:

Messrs. De La Guerra, McCoud, Peck and Whiting.

On motion of Mr. Tuttle, further proceedings under the call were dispensed with.

On the passage of the amendments offered by Mr. Sprague, the ayes and noes were demanded by Messrs. Sprague, May, and French, with the following result:

AYES.

Messrs. Burton, Crenshaw, Kendall, Leake, May, McGarry, McNeil, Norman, Rust, Scellen and Sprague—11.

NOES.

Messrs. Colby, Day, Flint, French, Gove, Hall, Hawthorne, Hook, Keene, Lippincott, Mahoney, Stebbins and Tuttle—13.

So the amendments were lost.

Mr. Norman presented the following amendment:

*Provided*, that five thousand dollars of the amount named in this bill shall be set apart for the use of the Surveyor General, to enable him to survey a route from some point near Murphy's Camp, in Calaveras County, to Carson's Valley to intersect the main road; or to survey a route from Volcano, in Amador County, to Carson Valley, to intersect the main road.

Lost.

Mr. Kendall offered the following amendment:

The sum of three thousand dollars is hereby set aside out of this appropriation and appropriated to a survey of a good wagon road from the town of Sonora, in Tuolumne County, to the immigrant road at or near the head waters of Walker's River; also, ten thousand dollars set aside and appropriated for the completion of the same.

Mr. McFarland moved to lay the bill on the table and make it the special order for Tuesday next.

Upon which the ayes and noes were demanded by Messrs. May, Leake and Rust, with the following result:

AYES.

Messrs. Kendall, Leake, May, McFarland, McNeil, Norman, Rust, Scellen and Sprague—9.

NOES.

Messrs. Burton, Day, Flint, Flint, French, Gove, Hall, Hawks, Hawthorne, Hook, Keene, Lippincott, Mahoney, McGarry, Stebbins, Tuttle and Whiting—16.

So the motion to lay on the table was lost.

Mr. Norman offered the following amendment to the amendment offered by Mr. Kendall:

*Provided*, that no survey nor appropriation made under the provisions of this Act shall be applied to the construction or survey of any road within fifty miles of Sacramento City.

Accepted by Mr. Kendall.

Mr. French rose to a point of order, that the Committee having reported amendments to the bill and the Senate having only adopted one, that it was not competent for the Chair to entertain any motion to amend other than those of the Committee.

The Chair (Mr. Hawks) decided the point of order not well taken.

Mr. French appealed from the decision of the Chair.

The question then being, "Shall the decision of the Chair stand as the judgment of the Senate?"

Decided in the affirmative.

On the passage of the amendment of Mr. Kendall as amended by Mr. Norman, the ayes and noes were demanded by Messrs. Tuttle, French and Sprague, with the following result:

AYES.

Messrs. Crenshaw, Kendall, Leake, May, McFarland, McGarry, McNeil, Norman, Scellen, Sprague and Whiting—11.

NOES.

Messrs. Burton, Day, Flint, French, Gove, Hawks, Hawthorne, Hook, Keene, Mahoney, Rust and Tuttle—12.

So the amendments were lost.

Mr. Leake moved that the name of the Secretary of the State be stricken from the bill, and that of the Controller substituted in its place.

Mr. Tuttle called for a division of the question.

The question then being that the name of the Secretary of State be stricken out.

Lost.

Mr. Sprague offered the following amendment:

Insert after section first: *Provided further*, said Commissioners shall locate



the said road over the cheapest practicable pass through the Sierra Nevada Mountains.

Lost.

Mr. Leake offered the following amendment:

By adding the names of Controller of State, and the Attorney General; *and provided*, that the said Controller and Attorney General shall receive no compensation for their services.

Upon which the ayes and noes were demanded by Messrs. Leake, French and Tuttle, with the following result:

AYES.

Messrs. Burton, Crenshaw, Hawks, Kendall, Leake, May, McFarland, McGarry, McNeil, Norman, Scellen and Sprague—12.

NOES.

Messrs. Day, Flint, French, Gove, Hall, Hawthorne, Hook, Keene, Lippincott, Mahoney, Rust, Tuttle and Whiting—13.

So the amendment was lost.

Mr. Norman offered the following amendment:

*Provided, also*, that no survey nor appropriation made under the provisions of this Act shall be applied to the construction or survey of any road within fifty-five miles of Sacramento City.

Lost.

Mr. Kendall moved to strike out the name of the Governor and insert that of P. T. Herbert.

Lost.

Mr. Leake moved that the Senate adjourn.

Lost.

Mr. Scellen offered the following amendment:

The sum of three thousand dollars is hereby set apart out of this appropriation for the survey of a good wagon road from Foster's Bar, in Yuba County, *via* Galloway's Ranch, in Sierra County, to Sierra Valley in Sierra County.

Also, the sum of three thousand dollars for the survey of a good wagon road from Nevada City, in Nevada County, *via* Galloway's Ranch, in Sierra County, to Sierra Valley in Sierra County.

Lost.

Mr. Day offered the following amendment to section first:

Section 15. The western termination of said road shall be at the western foot of the steep slope of the Sierra Nevada Mountains, and nothing herein contained shall be so construed as to authorize the expenditure of any money on account of the State, in improving any road in the Sacramento Valley, or in the western foot-hills of the Sierra Nevada, which is now usually traveled with ordinary ease and safety with loaded wagons.

Adopted.

Mr. Norman offered the following amendment:

And the above named Board of Commissioners shall have power to sink Artesian Wells at suitable distances along said road.

Lost.

Mr. Day offered the following amendment:

The right of way for said road is hereby granted through any lands the property of this State, and in cases when said road shall necessarily pass through inclosed lands and valuable improvements to the property of private persons, which inclosures and improvements have been made in good faith previous to the first day of February, eighteen hundred and fifty-five, the actual damages thereby occasioned shall be ascertained and assessed in the manner by law prescribed in cases of County Roads and cart roads through private property; and when it shall be made to appear to the satisfaction of the Commissioners, that such assessments have been lawfully made, they shall issue a certificate for the payment of the same in the manner provided for in section two of this Act.

Adopted.

Mr. Leake moved to amend by inserting in the amendment offered by Mr. Day, after the words "good faith," the words "or bad faith."

Lost.

Mr. Norman offered the following amendment:

And the above named Board of Commissioners shall have power to provide suitable stations along the said road, in order that the indigent sick and infirm immigrants may have some suitable place to recruit.

Mr. Leake moved a call of the Senate.

Sustained.

The following Senators were found absent without leave:

Messrs. De La Guerra, McCoun, Peck and Stebbins.

On motion of Mr. Flint, further proceedings under the call were suspended.

On the motion for the previous question.

Sustained.

The question then being, "Shall the main question now be put?"

The ayes and noes were demanded by Messrs. Sprague, Leake and French, with the following result:

AYES.

Messrs. Burton, Colby, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Hook, Keene, Lippincott, Mahoney, May, McGarry, Stebbins and Tuttle—17.

NOES.

Messrs. Kendall, Leake, McFarland, McNeil, Moore, Norman, Rust, Scellen, Sprague and Whiting—10.

The question recurring on the amendment offered by Mr. Norman,  
The ayes and noes were demanded by Messrs. French, Sprague and Norman, with the following result:

AYES.

Messrs. Burton, Kendall, Leake, May, McFarland, Moore, Norman, Scellen, Sprague and Whiting—10.

NOES.

Messrs. Colby, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Hook, Keene, Lippincott, Mahoney, McGarry, McNeil, Rust, Stebbins and Tuttle—17.

So the amendment was lost.

The Chair then decided the question to be the third reading of the bill.

Mr. Sprague appealed from the decision of the Chair.

Not sustained.

On the question, "Shall the bill go to a third reading?"

The ayes and noes were demanded by Messrs. Sprague, Burton and Norman, with the following result:

AYES.

Messrs. Colby, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Hook, Keene, Lippincott, Mahoney, McGarry, Stebbins and Tuttle—15.

NOES.

Messrs. Burton, Kendall, Leake, May, McFarland, McNeil, Moore, Norman, Rust, Scellen, Sprague and Whiting—12.

So the motion was carried.

On the final passage of the bill, the ayes and noes were demanded by Messrs. Sprague, Burton and Keene, with the following result:

AYES.

Messrs. Colby, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Hook, Keene, Lippincott, Mahoney, Rust, Stebbins and Tuttle—15.

NOES.

Messrs. Burton, Kendall, Leake, May, McFarland, McGarry, McNeil, Moore, Norman, Scellen, Sprague and Whiting—12.

So the bill was passed.

By leave, Mr. Whiting introduced a bill entitled an Act amendatory of an Act to suppress Gaming, passed April 17, 1855.

Read first time and laid over under the rules.

On motion of Mr. Stebbins, the Senate adjourned.

SAM. PURDY,

President of Senate.

C. DICKINSON,

Secretary of Senate.

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IN SENATE.

SATURDAY, April 21, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Crouch.

The Journal of yesterday was read and approved.

Mr. McGarry presented a petition from citizens of Yolo County, praying for the passage of a Fence Bill.

Read and laid on the table.

Mr. Keene presented the following report:

*Mr. President :*

The Committee on Public Lands, to which was referred Senate bill No. 213, entitled an Act to secure to California the Lands to which she is entitled by Act of Congress, approved September 28, 1850, have had the same under consideration, and beg leave to report it back to the Senate and recommend its passage.



Your Committee have also considered Senate bill No. 197, entitled an Act amendatory of an Act entitled an Act to provide for the disposition of the five hundred thousand acres of Land granted to this State by Act of Congress, passed May 3, 1852, and ask leave to report the same back to the Senate, without recommendation, and, also, to be discharged from its further consideration.

All of which is respectfully submitted,

B. F. KEENE,  
Chairman.

Mr. Burton submitted the following report:

*Mr. President :*

Your Committee on Engrossment have examined and find correctly engrossed, Senate Concurrent Resolution in relation to the compilation and digest of the Laws of this State.

E. F. BURTON.

Mr. Stebbins offered the following report:

*Mr. President:*

The Committee on Commerce and Navigation, to whom was referred Senate bill for an Act to authorize the improvement of the Alviso Slough, have considered the same, and instructed me to report the same back, without amendment, and recommend its passage.

JAS. G. STEBBINS.

Mr. Sprague moved to re-consider the vote by which the resolution relative to the compiled laws passed.

Agreed to.

Mr. McGarry moved that the resolution lay on the table.

Carried.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 103, for an Act to regulate Fees in Office.

Also, Senate bill No. 112, for an Act to authorize Tenants in Common and Joint Tenants to sue jointly in certain cases, and have directed me to report the same back to the Senate and recommend their indefinite postponement.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 219, for an Act concerning Contracts and Promises, and now report the same back, with amendments, and recommend its passage as amended.

R. T. SPRAGUE,  
Chairman.

Mr. McGarry presented accounts from sundry newspapers.

On motion, were referred to the Committee on Contingent Expenses.

According to previous notice, Mr. McGarry introduced a bill entitled an Act to amend an Act concerning the per diem of officers of the Senate and Assembly, and moved to refer the same to the Committee on Finance.

Upon which the ayes and noes were demanded by Messrs. Sprague, Keene and French, with the following result:

AYES.

Messrs. Day, Flint, French, Gove, Hawks, Hawthorne, May, McGarry, Norman, Scellen and Tuttle—11.

NOES.

Messrs. Burton, Colby, Crenshaw, Hook, Keene, Leake, McNeil and Sprague—8.

So the bill was referred.

The following message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, April 19, 1855. }

*To the Senate of California:*

I have this day approved of the following Acts which originated in the Senate, viz:

An Act supplementary to and amendatory of an Act to incorporate the City of Marysville, passed March 5, 1855.

An Act to create the County of Merced, to define its Boundaries and to provide for its Organization.

JOHN BIGLER.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, April 19, 1855. }

*To the Senate of California :*

I have this day approved an Act entitled an Act supplementary to the Act entitled an Act to amend and supplementary to an Act entitled an Act to Incorporate the City of Sacramento, passed March, 1851, approved March 31, 1855.

JOHN BIGLER.

The following messages were received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly have, this day, April 18th, passed the following bills, viz :

Assembly bill No. 324, An Act in relation to the several Funds of this State.

Also, Assembly bill No. 254, An Act to Organize the County of Buena Vista.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, this day, April 18th, Assembly Concurrent Resolution classifying the Trustees of the State Insane Asylum at Stockton, and appointing Friday, April 20, 1855, at 12 o'clock M., as the time for holding Joint Convention to elect two Trustees for said Asylum, in which the concurrence of the Senate is requested.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on yesterday, April 19, Assembly Concurrent Resolution in relation to an appropriation of one hundred and fifty thousand dollars by the General Government, to open and construct a Military Road from the Sacramento Valley to Crescent City, via Shasta Valley, in which the concurrence of the Senate is respectfully requested.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

*Mr. President :*

I am directed to inform the Senate that the Assembly have, this day, April 20, passed Senate bill No. 164, An Act to extend the time for commencing the construction of certain Rail Roads herein named.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on the 16th inst., Assembly bill No. 56, An Act to provide for the ascertainment of the Indebtedness of Calaveras County prior to the organization of Amador County, and to provide for the payment for that portion due from Amador County to the County of Calaveras.

Also, Assembly bill No. 368, An Act supplementary to and explanatory of an Act entitled an Act to prohibit Lotteries, Raffles, Gift Enterprises and other schemes of a like character, passed April 10, 1855.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

The following Concurrent Resolution of the Assembly was received:

*Resolved*, (the Senate concurring) That our Representatives be requested and our Senators instructed to use their best endeavors to procure an appropriation of one hundred and fifty thousand dollars to open and construct a Military Road from the Sacramento Valley to Crescent City, *via* Shasta Valley.

Concurred in.

Assembly bill No. 254, An Act to Organize the County of Buena Vista.

Read a first and second time and referred to the Committee on Counties and County Boundaries.

Assembly bill No. 324, An Act in relation to the several Funds of this State.

Read a first and second time and referred to the Finance Committee.

Assembly bill No. 368, An Act supplementary to and explanatory of an Act entitled an Act to prohibit Lotteries, Raffles, Gift Enterprises and other schemes of a like character, passed April 10, 1855.

Read a first and second time.

On motion of Mr. Leake that the rules be suspended and the bill passed, the ayes and noes were demanded by Messrs. Sprague, Tuttle and French, with the following result:

AYES.

Messrs. Burton, Crenshaw, De La Guerra, Flint, French, Gove, Hall, Hawks, Leake, McFarland, McGarry and Scellen—12.



## NOES.

Messrs. Day, Hawthorne, May, McNeil and Sprague—5.

So the motion was carried.

The bill was then considered.

On its final passage the ayes and noes were demanded by Messrs. Sprague, Keene and Day, with the following result:

## AYES.

Messrs. Burton, Colby, Crenshaw, De La Guerra, Flint, French, Gove, Hawks, Leake, McFarland, McGarry, Norman, Scellen and Tuttle—14.

## NOES.

Messrs. Day, Keene, McNeil and Sprague—4.

So the bill was passed.

Assembly bill No. 56, An Act to provide for the ascertainment of the Indebtedness of Calaveras County prior to the organization of Amador County, and to provide for the payment of that portion due from Amador County to the County of Calaveras.

Read a first and second time and referred to the Delegation from Calaveras.

Mr. Norman presented the following report :

*Mr. President :*

The Committee on Enrollment have examined and find correctly enrolled the following bills, to-wit:

An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851

Also, a bill to amend an Act to regulate the settlement of the Estates of Deceased Persons.

W. B. NORMAN,

Chairman.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly, on yesterday, concurred in Senate amendments to Assembly bill No. 278, An Act concerning the Organization of the Militia.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed, An Act to authorize the construction of a Wharf at Half Moon Bay in the County of San Francisco.

G. W. COLBY,  
Chairman.

On motion of Mr. McGarry, the Senate took up the resolution passed on yesterday, relative to the compiled laws.

On motion, the same was referred to the Committee on the Judiciary.

Mr. Norman presented the following report:

*Mr. President :*

The Joint Committee on Enrollment have this day presented to the Governor, for his signature, the following:

An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

A bill to amend an Act to regulate the settlement of the Estates of Deceased Persons.

W. B. NORMAN,  
Chairman.

Mr. Hawks presented the following report:

*Mr. President :*

The Committee on Education, to whom was referred Assembly bill No. 18, An Act to establish, support and regulate Common Schools, and to repeal former Acts concerning the same, have had the same under consideration, and report it back to the Senate, with sundry amendments, and recommend its passage with said amendments.

W. W. HAWKS.

The report was accepted.

On motion, the bill was made the special order for Wednesday next, at 11 A. M.

On motion of Mr. Sprague, the Senate took up Senate bill No. 87, An Act authorizing P. B. Redding and others to improve and exclusively navigate the Sacramento River between Red Bluffs and Clear and Middle Creeks.

Read a third time.

On the final passage of the bill, the ayes and noes were demanded by Messrs. McFarland, Tuttle and Sprague, with the following result:

AYES.

Messrs. Day, Flint, Gove, Hall, Hawks, Keene, Leake, Mahoney, May, McGarry, McNeil, Moore, Rust, Scellen, Sprague and Tuttle—16.

## NOES.

Messrs. Crenshaw, De La Guerra, Hawthorne, Hook, Kendall, McFarland, Norman and Whiting—8.

So the bill passed.

Mr. Tuttle gave notice that he would, on Monday, move a re-consideration of the vote just taken.

The Senate then took under consideration Senate bill No. 220, entitled an Act for Relief of James Austin by his agent, B. F. Lippiucott.

Read first time and laid on the table.

The Senate then took under consideration Senate bill No. 126, an Act to compensate Mrs. Sarah Staples, Teacher of the Pioneer School in the County of Tuolumne.

On the final passage of the bill, the ayes and noes were demanded by Messrs. Sprague, Tuttle and Kendall, with the following result:

## AYES.

Messrs. Day, Hawks, Hawthorne, Keene, Kendall, Mahoney, May, McNeil, Norman, Moore, Rust and Whiting—12.

## NOES.

Messrs. Crenshaw, Hook, Hall, Sprague and Tuttle—5.

On motion of Mr. Hawks, the bill to consolidate the City and County of San Francisco, and to provide for the government of the same, was made the special order for Tuesday next, at 12 M.

On motion, Assembly bill No. 88, An Act to provide for the sale of the Swamp and Overflowed Lands belonging to this State, was made the special order for Monday next at 12 M.

The Senate then took under consideration Senate bill No. 171, substitute for Senate bill No. 29, entitled an Act to discourage the Immigration to this State of persons who cannot become citizens thereof.

Considered as in Committee of the Whole.

After some time spent therein, the Committee rose, reported progress and asked leave to sit again.

Mr. McFarland moved to make the bill the special order for Tuesday next, 24th inst., at 12 M.

Upon which the ayes and noes were demanded by Messrs. Crenshaw, Flint and French, with the following result:

## AYES.

Messrs. De La Guerra, Flint, Hall, Hawthorne, Keene, McCoun, McFarland, McGarry, McNeil, Rust, Sprague and Whiting—12.

## NOES.

Messrs. Burton, Crenshaw, Day, French, Gove, Hook, Norman and Tuttle—8.

Mr. Day presented the following report:

*Mr. President:*

The undersigned, a Special Committee, to whom was referred a bill for an Act to provide for Funding the outstanding Debt of the City of Oakland, and to prevent the creation of new debts by said City, has had the same under consideration, and reports the bill back, with amendments, and recommend its passage as so amended.

S. DAY,  
Special Committee.

The Senate then proceeded, as in Committee of the Whole, to the consideration of the bill.

After some time spent therein, rose, reported the bill back, recommending its passage as amended.

The bill was then read a third time and passed.

On motion of Mr. Flint, the Senate re-considered the vote by which Senate bill No. 87, entitled an Act authorizing P. B. Redding and others to improve and exclusively navigate the Sacramento River between Red Bluffs, Clear and Middle Creeks.

On motion of Mr. Tuttle, the bill was laid on the table.

On motion of Mr. McCoun, Senate bill No. 130, An Act for the settlement of the account of T. J. Chambers & Co. for furnishing Capital Building at Vallejo in December, A. D., 1851, was taken up.

Mr. Sprague moved to indefinitely postpone the further consideration of the bill.

Mr. Burton moved a call of the Senate.

Sustained.

The following Senators were found absent without leave:

Messrs. Colby, Crenshaw, De La Guerra, French, Hall, Keene, Kendall, Leake, Lippincott, May, Norman, Peck and Stebbins.

Mr. Hook moved to suspend all further proceedings under the call.

Agreed to.

On motion of Mr. McFarland, the Senate adjourned.

SAM. PURDY,  
President of Senate.

C. DICKINSON,  
Secretary of Senate.



## IN SENATE.

MONDAY, April 23, 1855.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by Rev. Mr. Pratt.

The Journal of Saturday was read, and approved.

Mr. May presented a petition from the citizens of the county of Humboldt, praying for the passage of a supplementary Act regarding the salmon fisheries.  
Read and laid on the table.

Mr. McGarry presented the following report:

*Mr. President:*

The Committee on Contingent Expenses, to whom was referred the following accounts, have had the same under consideration and instruct me to report the same back and recommend their payment:

6 copies Daily Evening News, furnished per order, during session,	- \$ 48 00
14 copies Mountain Democrat, by J. W. Gelwicks & Co., per order,	46 66
10 copies Daily Chronicle, Frank Soule & Co., as per order,	- 100 00
1 copy Placer Herald, Tabb Mitchell,	- 4 00
Wm. Moran & Co. to balance due for San Francisco Evening Journal,	- 7 00
Frank Denver's account for articles furnished, as per order of Sergeant-at-Arms,	- 107 95

All of which is respectfully submitted.

ED. McGARRY,

Chairman.

The report was adopted and accounts ordered paid.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Senate bill No. 214, for An Act to amend an Act to regulate Fees in Office, approved April 10, 1855, and now ask leave to report the same back to the Senate and recommend its passage.

R. T. SPRAGUE,

Chairman.

The bill was then taken up, read third time and passed.

Mr. Flint presented a memorial from W. N. Walton, in reference to an overland express by means of camels and dromedaries.

*Mr. President:*

I am directed to inform the Senate that the Assembly has, this day, concurred in Senate amendments to Assembly bill No. 244, An Act to provide for the Survey and Construction of a Wagon Road over the Sierra Nevada Mountains.

And, also, have refused to concur in Senate amendments to Assembly bill No. 300, An Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854.

Respectfully submitted,

J. W. SCOBY,  
Assistant Clerk of Assembly.

Mr. Tuttle moved that a Free Committee of Conference be appointed.

Agreed to.

The Chair appointed Messrs. Tuttle, Scellen and Keene as such Committee.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly have this day non-concurred in Senate amendments to Assembly bill No. 197, An Act supplementary to an Act to provide for the permanent location of the Seat of Government of the State of California.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Mr. McCoun moved that the Senate appoint a Committee of Conference.

Agreed to.

The Chair appointed as such Committee, Messrs. McCoun, Colby and Leake.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly this day concurred in Senate amendments to Assembly bills No. 240, An Act to change the name of Edwin Clark Patt to Edwin Patt Clark; also, Assembly bill No. 259, An Act to fix the compensation of the County Judges of Siskiyou, Trinity and Klamath, and to repeal in part the first section of an Act entitled an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed May 17, 1853.

Also, passed this day Senate bill, No. 176, An Act to authorize the County Auditor of Nevada County to issue certain bonds.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The following message was received from the Assembly :

*Mr. President:*

I am directed to inform the Senate that the Assembly passed, on yesterday, Assembly Concurrent Resolution relative to placing a Bell Buoy at the entrance of the Harbor of San Francisco in this State.

And that the Assembly have this day non-concurred in Senate amendment to Assembly bill No. 217, An Act amendatory of an Act concerning County Recorders, passed March 26, 1851.

Also, concurred in Senate amendments to Assembly bill No. 245, An Act to protect the Owners of growing crops, buildings and other improvements in the Mining Districts of this State.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly Concurrent Resolution relative to placing a Bell Buoy at the entrance to the Harbor of San Francisco in this State.

Taken up, read and adopted.

Mr. Sprague moved to appoint a Committee of Conference on the part of the Senate to meet a similar Committee on the part of the Assembly in reference to the amendment of the Senate to Assembly bill No. 217, An Act amendatory of an Act concerning County Recorders, passed March 26, 1851.

Agreed to.

The Chair appointed as such Committee, Messrs. Sprague, May and Day.

Mr. McNeil moved to take from the table Assembly bill No. 257, entitled an Act to amend an Act entitled an Act to provide for the Construction of a Canal from Tulare Lake to the Waters of the San Joaquin, approved May 12, 1853.

Agreed to.

Bill read a third time and passed.

Leave being granted, Mr. May introduced a bill for an Act to amend an Act entitled an Act to prohibit the Erection of Weirs or other Obstructions to the Run of Salmon.

Read first and second time.

Rules suspended.

Read third time and passed.

On motion of Mr. May, the Senate took from the table Assembly bill No. 105, An Act to provide for the Disposal of Lots in the Towns or Villages on the Public Lands in the County of Humboldt.

Read a third time and passed.

Mr. May moved to take from the table Assembly bill No. 358, entitled an

Act to amend an Act entitled an Act to exempt Firemen from Militia Service and Jury Duty, passed March 25, 1853.

Agreed to.

On motion of Mr. Whiting, the same was laid on the table.

On motion of Mr. Day, Senate bill No. 133, entitled an Act to provide for the purchase of sundry Manuscript Maps therein described, was taken up and ordered engrossed for a third reading to-morrow.

Mr. McGarry submitted the following resolution:

*Resolved*, (by the Senate, the Assembly concurring,) That the Treasurer of State be and he is hereby directed to pay cash in accordance with an Act, passed on the first day of February, 1855, entitled an Act requiring the Controller to audit certain bills of the Members and Officers of the present Legislature, to such members and officers only, except when authority has been given and a transfer been made with a special power of attorney.

Adopted.

Mr. Day presented the following report:

*Mr. President :*

The Committee on Education, to whom was referred Senate bill No. 21, for An Act to appropriate Money in Aid of Incorporated Colleges, have had the same under consideration and report it back to the Senate amended, and recommend its passage as amended.

W. W. HAWKS,  
Chairman.

On motion of Mr. Tuttle, the bill was taken up.

Mr. Sprague moved to re-commit the bill to the Committee on Education, with special instructions, and to report to the Senate the condition of the lands heretofore selected by the State under an Act of Congress appropriating lands for the benefit of seminaries of learning, and report, also, a bill for appropriating a portion of those lands to colleges now organized.

Agreed to.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly concurred, on the 21st inst., in Senate concurrent resolution granting leave of absence to William McKim, Treasurer of Amador county, for six months.

Also, Assembly bill No 369, An Act amendatory of and supplementary to an Act passed April 16, 1855, entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Courts of Justice and Judicial Officers, passed May 15, 1854.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

On motion of Mr. Crenshaw, Assembly bill No. 369, entitled An Act amend-



atory of and supplementary to an Act passed April 16, 1855, entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Courts of Justice in this State and Judicial Officers, passed May 15, 1854, was taken up.

Read first and second time.

Rules suspended.

Read third time and passed.

On motion of Mr. Whiting, Senate bill No. 214, entitled An Act to amend an Act entitled an Act to regulate Fees in Office, approved April 10, 1855, was taken up.

Read third time and passed.

Mr. McCoun presented the following report:

*Mr. President:*

The Committee to whom was referred Senate bill No. 32, a bill for An Act concerning Unclaimed Deposits with Bankers and Brokers, and prescribing the Mode and Manner of ascertaining the same, and the disposition to be made thereof, beg leave to report the same back to the Senate, with a substitute, and recommend the passage of said substitute.

W. H. McCOUN,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate, to whom was referred Senate concurrent resolution relative to the examination of the compilation and digest of the laws of this State, prepared by W. H. R. Wood, deputy Secretary of State, beg leave to report the following substitute.

R. T. SPRAGUE,  
Chairman.

*Resolved*, (by the Senate, the Assembly concurring) That the Chairman of the Judiciary Committee of the Senate and the Chairman of the Judiciary Committee of the Assembly be required to examine the compilation and digest of the laws of this State, prepared by W. H. R. Wood, deputy Secretary of State, and, if they find the same correct and approve of it, to report the same to the Senate and Assembly as early as may be possible, together with the probable cost of the publication of one thousand bound volumes for the use of the State.

The substitute was then taken up and adopted.

Mr. Tuttle moved to take up Senate bill No. 86, entitled An Act to fix the Salary of the County Judge of Placer County.

Agreed to.

Amended, read third time and passed.

On motion of Mr. Whiting, Senate bill No. 39, entitled An Act amendatory of and supplementary to an Act entitled an Act concerning Escheated Estates, passed May 4, 1852, was taken up.

Mr. McGarry moved to concur in the report of the Judiciary Committee.

Lost.

Mr. Whiting moved to appoint a Committee of Free Conference.

Mr. McGarry moved to lay the bill upon the table.

Agreed to.

On motion of Mr. Sprague, the Senate proceeded, as in Committee of the Whole, to the consideration of Assembly bill No. 121, entitled An Act for securing Liens to Mechanics and others.

The Committee then rose, reported the bill back to the Senate, recommending its passage.

Report concurred in.

Bill read third time and passed.

The Senate then, as in Committee of the Whole, proceeded to the consideration of Assembly bill No. 33, entitled An Act concerning Lawful Fences.

After some time spent therein, the Committee rose, reported the bill back, recommending its passage as amended.

The recommendation of the Committee was concurred in.

Bill read a third time and passed.

On motion of Mr. Maudeville, Assembly bill No. 243, entitled An Act amendatory of and supplementary to an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850, was taken up.

Read third time and passed.

Senate bill No. 193, substitute for Senate bill No. 178, entitled An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed May 15, 1854, was taken up.

Read third time and passed.

Senate bill No. 220, entitled An Act for the Relief of James Austin, by his Agent, Benjamin S. Lippincott, was taken up.

Read a second time, and, objection being made, laid over under the rules.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed An Act to fix the Salary of the County Judge of Placer County.

E. F. BURTON.

Of Committee.

Mr. Mandeville moved to re-consider the vote by which Assembly bill No. 243, entitled An Act amendatory of and supplemental to an Act entitled an Act concerning Crimes and Punishments was passed.

Agreed to.

Mr. Mandeville moved to amend the bill by adding the words "and to suppress dueling."

Adopted.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on this day, Assembly bill No. 309, An Act to regulate the Fire Department of the City of San Francisco.

Also passed, on the 20th inst., Assembly bill No. 6, An Act to Re-incorporate the City of San Francisco.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 309, entitled An Act to regulate the Fire Department of the City of San Francisco, was taken up.

Read first and second time and referred to San Francisco delegation.

Assembly bill No. 6, entitled An Act to Re-incorporate the City of San Francisco, was taken up.

Read first and second time and referred to Committee on Corporations.

The following message was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, April 23, 1855. }

*To the Senate of California:*

I have this day approved an Act which originated in the Senate, entitled An Act to regulate the Settlement of the Estates of Deceased Persons, passed May 1, 1851.

JOHN BIGLER.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, April 23, 1855. }

*To the Senate of California:*

An Act entitled An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851, is herewith returned to the Senate for correction.

The evident intention of the Act is to define the boundaries of the county of Sonoma, and, in order to make it intelligible without referring to the Act of 1851, it is herewith returned, and the insertion of the words "Sonoma County" respectfully recommended.

JOHN BIGLER.

Mr. Norman presented the following report:

*Mr. President :*

The Joint Committee on Enrollment have re-examined the Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

We find that the words "Sonoma County" were omitted by the author of the bill. The Committee have no power to alter or amend any bill which they

examine, and therefore pray to be discharged from the further consideration of the matter.

W. B. NORMAN,  
Chairman.

Mr. Heintzelman asked the unanimous consent of the Senate to withdraw the bill returned by the Governor, in order to make the necessary correction.

Agreed to.

The following messages were received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly did, on the 23d inst., pass the following bills:

Assembly bill No. 263, entitled An Act to require the Closing of Business Houses, in certain Counties of this State, on the First Day of the Week, commonly called Sunday.

Assembly bill No. 170, entitled An Act concerning Roads and Highways.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Senate bill No. 263, entitled An Act to require the Closing of Business Houses, in certain Counties of this State, on the First Day of the Week, commonly called Sunday, was taken up.

Read first and second time and referred to Committee on Public Morals and Police.

Assembly bill No. 170, entitled An Act concerning Roads and Highways, was taken up.

Read first and second time and referred to Committee on Roads and Highways.

On motion of Mr. Heintzelman, Senate bill No. 98, entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, was taken up.

Mr. Sprague moved to indefinitely postpone the bill.

Mr. McFarland moved a call of the Senate.

Lost.

Upon the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Kendall, Flint and French, with the following result:

AYES.

Messrs. Burton, Crenshaw, French, Gove, Hall, Hawthorne, Keene, May, McFarland, Rust and Sprague—11.

NOES.

Messrs. Day, Flint, Kendall, McGarry, McNeil and Tuttle—6.

Mr. May moved to take from the table Senate bill No. 172, entitled an Act for the Relief of Wm. M. Love.



On motion of Mr. Whiting, the bill was indefinitely postponed.

Assembly bill No. 19, entitled an Act concerning the Salaries of Officers and Pay of the Members of the Legislature.

Taken up, and,

On motion of Mr. Crenshaw, made the special order for April 26, at 12 M.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly have, this day, passed Senate bill No. 44, entitled an Act concerning Public Ferries and Toll-Bridges, with amendments as shown therein, and in which the concurrence of the Senate is solicited.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Mr. Sprague moved to take up the bill just reported.

Agreed to.

The amendments were then severally read.

The Senate refused to concur in the same.

Mr. Sprague moved that a Committee of Free Conference be appointed.

Agreed to.

The Chair appointed as such Committee, Messrs. Sprague, Crenshaw and Heintzelman.

Mr. Hall submitted the following resolution:

*Resolved*, That from this day, when the Senate adjourns it shall adjourn to meet at the hour of 7 o'clock, P. M., of each day, until the Legislature adjourns *sine die*.

On motion of Mr. Burton, was laid on the table.

Mr. May moved to take a recess until 7 o'clock, P. M.

Lost.

On motion of Mr. Tuttle, the Senate adjourned.

SAM. PURDY,

President of Senate.

C. DICKINSON,

Secretary of Senate.

## IN SENATE.

TUESDAY, April 24, 1855.

The Senate met pursuant to adjournment.

The President of the Senate in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved, after the following amendment, offered by Mr. Sprague, which was adopted:

By unanimous leave, the Secretary of the Senate was authorized to insert the words Sonoma County in Senate bill, An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851, and to report the same to the Assembly, asking the consent of that body.

Mr. Tuttle presented a petition from citizens of Placer county regarding Supervisors.

Referred to the delegation from Placer.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 332, for An Act to amend an Act entitled an Act to fix the time for holding the term of the District Courts throughout the State, passed May 18, 1853, and now report the same back to the Senate, with a substitute recommending the adoption and passage of the same.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President:*

The minority of the Judiciary Committee of the Senate have had under consideration Assembly bill No. 101, for An Act supplementary to and amendatory of an Act entitled an Act to provide for the sale of the interest of the State of California in the property within the water line front of the city of San Francisco, as defined in and by the Act entitled An Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, passed May 18, 1853, and now report the same back with an amendment recommending its passage as amended.

R. T. SPRAGUE,  
Chairman.

Mr. Gove presented the following report:

*Mr. President:*

The Committee on Elections to whom was referred Assembly bill No. 190, An Act to amend an Act regulating Elections, passed March 23, 1850, have had the subject under consideration, and report the same back with amendments and recommend its passage.

A. S. GOVE,  
Chairman.

On motion of Mr. McGarry, the Senate as in Committee of the Whole, proceeded to the consideration of the bill just reported, and after some time spent therein, rose, reported the bill back, recommending its passage as amended.

On the motion to concur severally with the amendments offered by the Committee, the ayes and noes were demanded by Messrs. French, Hook and Tuttle, with the following result:

AYES.

Messrs. Burton, Crenshaw, Day, Hawthorne, Leake, Lippincott, Mandeville, McGarry, McNeil, Peck, Rust, Scellen, Whiting—13.

NOES.

Messrs. French, Gove, Hall, Hook, May, McCoun—6.

Mr. French moved that the bill be laid on the table.

Lost.

The bill was then read a third time and passed.

Mr. Norman presented the following report:

*Mr. President:*

The Joint Committee on Enrollment have examined and find correctly enrolled the following Acts:

An Act to extend the Time for commencing the construction of certain Railroads, therein named.

An Act to authorize the County Auditor of Nevada County to issue certain Bonds.

W. B. NORMAN,  
Chairman.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed:

An Act to provide for funding the outstanding Indebtedness of the City of Oakland and to prevent the creation of new Debts by said city.

Also an Act to compensate Miss Sarah Staples, teacher of the Pioneer School of the County of Tuolumne.

Also an Act to amend an Act entitled an Act to regulate Fees in Office, approved April 10, 1855.

Also An Act to amend an Act entitled an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon.

G. W. COLBY.

Chairman.

On motion of Mr. Leake, the Senate as in Committee of the Whole, took under consideration Assembly bill No. 101, entitled An Act supplementary to and amendatory of an Act entitled an Act to provide for the sale of the Interest of the State of California in the property within the water line front of the City of San Francisco, as defined in and by the act entitled an Act to provide for the Disposition of certain Property of the State of California, passed March 26, 1851, passed May 18, 1853, and after some time spent therein, rose and reported the bill back, recommending its passage.

The bill was then read a third time and passed.

The following communication was then received:

OFFICE OF QUARTERMASTER AND ADJUTANT GENERAL, }  
Sacramento, April 24, 1855. }

*To the Senate and House of Representatives of the State of California:*

In behalf of the Officers of the Military Companies now on a visit to this city from the city of San Francisco, and their guests, I have the honor hereby to invite you to be present and witness the parade and review, to take place on the Public Square, at one o'clock, P. M., this day.

Very respectfully,

Your obedient servant,

WM. C. KIBBE.

Qr. Mr. and Adj. Gen. Cal. Militia.

Leave being granted, Mr. Tuttle offered the following amendment to the Constitution of this State:

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF CALIFORNIA.

The Legislature of the State of California, at its sixth annual session, commenced on the first day of January, A. D. 1855, propose as amendment to the present Constitution of this State the following amendment:

Section three of article eleven of the Constitution of the State of California is hereby amended so as to read as follows:

SEC. 3. Members of the Legislature and all officers elected or appointed, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

I, ———, do solemnly swear that I will faithfully discharge and perform all the duties incumbent on me as ——— agreeably to the Constitution of the United States and of this State, and that since the adoption of this amendment to the Constitution, I have not fought a duel with deadly weapons within this



State or out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, or aided, advised or assisted any person thus offending, so help me God.

And no other oath, declaration or test shall be required as qualifications for any office or public trust.

Mr. Hawks moved that the amendment be referred to the Committee on Public Morals and Police.

The ayes and noes were demanded by Messrs. Hawks, Tuttle and May, with the following result:

AYES.

Messrs. Crenshaw, De la Guerra, Hawks, Kendall, Leake, McCoun, Norman, Rust—8.

NOES.

Messrs. Burton, Day, Flint, French, Gove, Hull, Hook, Keene, Lippincott, Mandeville, May, McGarry, McNeil, Moore, Peck, Scellen, Sprague, Stebbins, Tuttle, Whiting—20.

Mr. Leake moved that the amendments be laid on the table.

The ayes and noes were demanded by Messrs. Flint, Tuttle and Sprague, with the following result:

AYES.

Messrs. Hawks, Kendall, Leake, McFarland, McGarry, Norman, Rust—7.

NOES.

Messrs. Burton, Crenshaw, Day, De la Guerra, Flint, French, Gove, Hawthorne, Hook, Keene, Mandeville, May, McNeil, Moore, Peck, Scellen, Sprague, Stebbins, Tuttle, Whiting—20.

Mr. Tuttle moved that the rules be suspended.

The ayes and noes were demanded by Messrs. Tuttle, Flint and Sprague, with the following result.

AYES.

Messrs. Burton, Crenshaw, Day, De la Guerra, Flint, French, Gove, Hawks, Hawthorne, Hook, Keene, Mandeville, May, McCoun, McFarland, McNeil, Moore, Peck, Scellen, Sprague, Stebbins, Tuttle, Whiting—23.

NOES.

Messrs. Kendall, Leake, McGarry, Norman, Rust—5.

Mr. Tuttle moved that the amendments go to a third reading.

Mr. Leake rose to a point of order, that objections having been made, the bill ought not to have been read a second time.

The Chair (Mr. Peck) decided the point of order not well taken.

Mr. Leake appealed from the decision of the Chair.

The question then being, "Shall the decision of the Chair stand as the judgment of the Senate?"

Decided in the affirmative.

Mr. Tuttle demanded the previous question.

Sustained.

The question then being, "Shall the amendments now go to a third reading?"

The ayes and noes were demanded by Messrs. Leake, Day and Flint.

The result was as follows:

AYES.

Messrs. Burton, Crenshaw, Day, De la Guerra, Flint, French, Gove, Hawthorne, Keene, Mandeville, May, McNeil, Peck, Scellen, Sprague, Stebbins, Tuttle, Whiting—18.

NOES.

Messrs. Hawks, Kendall, Leake, Lippincott, McCoun, Norman, Rust.—7.

On the final passage of the amendments, they were adopted.

The vote was as follows:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, French, Gove, Hawthorne, Hook, Keene, Mandeville, May, McGarry, McNeil, Peck, Sprague, Stebbins, Tuttle, Whiting—19.

NOES.

Messrs. Hall, Hawks, Kendall, Lippincott, Mahoney, McCoun, Norman, Rust—8.

Mr. Norman submitted the following report:

*Mr. President:*

The Joint Committee on Enrollment have this day presented to the Governor, for his signature, the following Acts:

An Act to authorize the County Auditor of Nevada County to issue certain Bonds.

An Act to extend the time for commencing the Construction of certain Railroads, therein named.

W. B. NORMAN,  
Chairman.

The Senate, as in Committee of the Whole, took under consideration the special order of the day, Senate bill No. 171, An Act to discourage the Immigration to this State of Persons who cannot become Citizens thereof.

On motion of Mr. McGarry, the Senate, as in Committee of the Whole, took a recess until 3 o'clock, P. M.

At three, P. M., the Senate met pursuant to adjournment.

On motion of Mr. McGarry, Mr. Hall was called to the chair.

On motion of Mr. McGarry, the Committee rose, reported the bill under consideration back to the Senate, and asked leave to sit again.

Mr. Leake moved to adjourn.

The ayes and noes were demanded by Messrs. Crenshaw, Hawks and Mahoney.

The result was as follows:

#### AYES.

Messrs. De la Guerra, Hawthorne, Leake, Mandeville, May, McGarry, Moore, Peck, Stebbins, Tuttle, Whiting—11.

#### NOES.

Messrs. Crenshaw, Flint, French, Hall, Hawks, Lippincott, Mahoney, McNeil—8.

So the Senate adjourned.

SAM. PURDY,  
President of Senate.

C. DICKINSON,  
Secretary of Senate.

## IN SENATE.

WEDNESDAY, April 25, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. French presented the following report:

*Mr. President :*

The Committee on Public Expenditures, to whom was referred the accounts of A. T. Melvin, report a bill and recommend the passage of the same.

A. FRENCH,  
Chairman.

On motion of Mr. French, the Senate took up Senate bill, an Act for the settlement of the account of A. T. Melvin for furniture furnished Committee Rooms.

Mr. Whiting moved that the bill be referred to a Select Committee of three.

Lost.

On the passage of the bill, the ayes and noes were demanded by Messrs. May, McFarland and French, with the following result:

AYES.

Messrs. Burton, Flint, French, Gove, Hawks, Hawthorne, Mahoney, Mandeville, McCoun, McNeil, Peck, Scellen and Stebbins—13.

NOES.

Messrs. Day, Heintzelman, Hook, Lippincott, May, McFarland, Rust, Sprague, Tuttle and Whiting—10.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have considered Assembly bill No. 343, entitled an Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in Courts of Justice of this State, and have directed me to report the same back, without amendments, for the consideration of the Senate.

R. T. SPRAGUE,  
Chairman.



Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have considered Assembly bill No. 296, entitled an Act to provide for the redemption of California War Bonds previous to maturity, and have directed me to report the same back, with an amendment, for the consideration of the Senate.

R. T. SPRAGUE,  
Chairman.

Mr. Day presented the following report:

*Mr. President:*

The Committee on Education, to whom was re-committed Senate bill No. 210, An Act to appropriate money in aid of Incorporated Colleges, with instructions to ascertain the value of the lands donated to the State for such purposes by the United States Government, and selected by the State; and, also, that the Committee provide ways and means to appropriate \$10,000 to each of said Colleges, if they are incorporated, have had the same under consideration, and have consulted on the subject the Governor of the State, and, also, sundry messages and documents presented to the last Legislature.

It appears from the Governor's statement, and the messages of the Governor to the last Legislature, that the Mission of St. Louis Rey had been once proffered by the commanding officer of the United States Army on this coast, to be delivered to the Executive of the State, who had commenced a series of measures for selecting the lands for University purposes, and taking possession of the same, under the provisions of an Act of Congress; but before the selection and possession on the part of the State could be completed, the United States Secretary of the Interior interfered, and countermanded the order of the General of the Pacific Division, on the ground that the United States Government had paid some consideration for the Mission buildings.

The matter rests there at present. The quantity and value of the lands of this Mission have not yet been ascertained by the authorities of this State, nor is it probable that they will be until the charge of the Mission is delivered to the Executive.

So far as the claim to the Mission of San Louis Rey is concerned, there cannot be received then, from that source, any funds for sometime to come, applicable to the objects of the bill under consideration.

A question also arises whether the funds from this source would not be restricted in their application solely to the establishment of a State University.

The other Public Lands which the State has the right to locate under the laws of the United States for University purposes, have never yet been located, no proper steps having been authorized by the Legislature for that purpose. Of course no funds can have accrued from that source to the State Treasury. The funds applicable to Common Schools cannot be diverted from that object.

Your Committee are, therefore, of opinion that no other source of ways and means exist at present to provide for the appropriations named in this bill, except the General Fund.

The Committee, therefore, report the bill back for the consideration of the Senate.

By order of the Committee.

S. DAY.

Mr. Whiting presented the following report:

*Mr. President:*

The Committee on Commerce and Navigation have had under consideration Senate bill No. 208, An Act to provide for the construction of a Wharf on the south side of the Encinal, San Antonio, in Alameda County, with the following amendment, and recommend its passage as amended.

B. C. WHITING,  
JAS. G. STEBBINS,  
G. D. HALL.

Mr. Whiting presented the following report:

*Mr. President:*

The Committee on Corporations have had under consideration Assembly bill No. 6, An Act to Incorporate the City of San Francisco, and report the same back, with amendments, for the consideration of the Senate.

B. C. WHITING,  
Chairman.

Mr. Burton submitted the following report:

*Mr. President:*

Your Committee, to whom was referred Senate bill No. 199, An Act to appropriate money to enable the Trustees of the Insane Asylum to build a dining room and kitchen, also, to purchase furniture for the main building of the same, have had the same under consideration, and report the same back and recommend its passage.

E. F. BURTON.

Mr. Tuttle presented the following report:

*Mr. President:*

The Committee on Finance, to whom was referred Assembly bill No. 324, entitled an Act in relation to the several Funds of this State, report the same back for the consideration of the Senate.

Also, Senate bill No. 221, entitled an Act to amend an Act concerning the per diem of Officers of the Senate and Assembly, and report the same back and recommend its indefinite postponement.

CHAS. A. TUTTLE.

Mr. Sprague presented the following report:

*Mr. President:*

The Joint Select Committee of the Senate and Assembly, appointed by Concurrent Resolution to examine the digest and codified statutes of the State as prepared by W. H. R. Wood, Deputy Secretary of State, and report the result of such examination to the Senate and Assembly; also, the probable cost of publishing 1000 volumes for the use of the State, ask leave to report—

That the limited time allowed the Committee has precluded the possibility of more than a simple examination of the general plan of the work, and the arrangement of the different subjects comprehended in the same. But from the great care and labor which seems to have been bestowed upon the work by Dr. Wood, and the superior facilities which his position for the past four years has afforded him for comparing every original and amended statute with the enrolled laws as filed in the Secretary of State's Office, we have reason to believe the work is such as will do credit to its author, and its publication would prove most eminently useful and satisfactory to the State.

The cost to the State of 10 0 bound volumes of this work, including the general laws of the present session, delivered to the Secretary of State on or before the first day of August, will be \$10,000.

In view of the great necessity so universally known to exist for a complete digest and codification of our statutes, we most respectfully recommend that the present Legislature authorize the publication of one thousand volumes of the work above referred to, for the use of the State.

Respectfully submitted,

R. T. SPRAGUE,  
Chairman Jud. Com. of Senate.

P. L. EDWARDS,  
Chairman Jud. Com. of Assembly.

Mr. Mandeville, from the Committee on Roads and Highways, having considered an Act to authorize the construction of a Wagon Road from the Sacramento Valley to the Eastern Boundary of the State of California, with a report that the same be indefinitely postponed.

Mr. Tuttle presented the following report:

*Mr. President:*

Your Select Committee, to which was referred Senate bills No. 222 and 223, amendatory of Corporation Acts, report the same back, and most respectfully recommend their passage.

CHAS. A. TUTTLE,  
Chairman.

Mr. Tuttle presented the following report:

*Mr. President :*

The Committee of Free Conference appointed on Senate amendments to Assembly bill No. 300, entitled an Act to amend an Act to provide Revenue for the support of the Government of this State, have had the same under consideration, and respectfully recommend—

That Assembly concur in Senate amendments to section one.

That Assembly concur in Senate amendments to section three, and add a proviso allowing Treasurer of Klamath and Humboldt Counties to deliver license to Sheriff to collect; *provided*, Sheriff charge nothing for services, and Treasurer be responsible for licenses.

That Assembly concur in Senate amendment adopting an additional section four, and section thus adopted be amended by inserting word "Treasurer" instead of "Auditor."

That a substitute be adopted in place of section six of bill.

That Assembly concur in Senate amendment inserting as section seven an additional section to the bill.

That Assembly concur in Senate amendment adopting section eight as an additional section.

And that Assembly concur in Senate amendment adopting as an additional section, section ten of the bill.

CHAS. A. TUTTLE,  
Chairman Senate Committee.

D. F. DOUGLAS,  
Chairman Assembly Committee.

Mr. Stebbins offered the following report:

*Mr. President:*

Your Select Committee, to whom was referred an Act to provide for Funding the Floating Debt of the City of Marysville, and for the extinguishment thereof, have considered the same, and report it back, with an amendment, and recommend its passage.

JAS. G. STEBBINS,  
C. E. LIPPINCOTT.

The following messages were received from the Assembly:

*Mr. President :*

I am directed to inform the Senate, that the Assembly have this day concurred in Senate resolution relative to the payment, in cash, by the State Treasurer, of certain bills of the members and officers of the present Legislature.

Also, that they have non-concurred in Senate amendment to the title of Assembly bill No. 243, "An Act amendatory of and supplementary to an Act entitled an Act concerning Crimes and Punishments," passed April 16, 1850, and respectfully ask that the Senate recede from its amendment.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.



*Mr. President :*

I am directed to inform the Senate that the Assembly, on yesterday, passed Assembly bill, An Act to amend an Act to provide for the Protection of Foreigners and to define their Liabilities and Privileges, passed March 30th, 1853.

Respectfully submitted,

**J. M. ANDERSON,**  
Clerk of Assembly.

April 24, 1855.

*Mr. President :*

I am directed to inform the Senate, that the Assembly, on yesterday, passed Senate bill No 127, An Act amendatory of the Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, passed May 15, 1854, with amendments, and ask the concurrence of the Senate.

Also, Assembly bill No. 289, An Act granting Jesse Busan the Right to construct a Toll Bridge across the Middle Fork of the Cosumnes River.

Also, Assembly bill No. 378, An Act to confirm a certain Contract of the Trustees of the City of Monterey, for the Building of a Wharf.

Also, Assembly bill No. 382, An Act to change the time of holding the County Court and Court of Sessions of the County of Calaveras, and to change the manner of summoning a jury for the County Court of said County.

Respectfully submitted,

**J. M. ANDERSON,**  
Clerk of Assembly.

*Mr. President:*

I am directed to inform the Senate, that the Assembly passed, on the 21st inst., Assembly bill No. 374, An Act supplementary to and amendatory of an Act entitled an Act to provide for the Settlement of the Affairs of the State Marine Hospital at San Francisco, and to dispose of the Property belonging to the same, passed April 16th, 1855.

Also, Assembly bill No. 349, An Act to provide for the Survey and Construction of a Wagon Road, and for the Sinking of Wells on the same from the Colorado River to the Bay of San Diego.

Also, Assembly bill No. 353, An Act to provide for the Improvement of the Wagon Road from the eastern boundary of the State, the Cajon Pass to San Pedro, in Los Angeles County.

Also, on the 23d inst., passed Assembly bill No. 376, An Act to provide for the Payment of the amount remaining due for Express Charges for the Fifth Session of the Legislature of this State.

Also, Assembly bill No. 302, An Act to authorize Benj. Forsyth to build a Wharf in the County of Solano.

Also, Assembly bill No. 373, An Act concerning Conveyances, Mortgages and other instruments in writing.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

*Mr. President:*

I am directed to inform the Senate that the Assembly have this day concurred in Senate amendments to Assembly bill No. 33, An Act concerning Lawful Fences, with an amendment, in which they ask the concurrence of the Senate.

Also, concurred in Senate amendments to Assembly bill No. 105, An Act to provide for the Disposal of Lots in the Towns or Villages on the Public Lands in the County of Humboldt.

Also, that they have appointed as a Committee of Free Conference on their part, upon Senate bill No. 44, An Act concerning Public Ferries and Toll Bridges, Messrs. Gaylord, Adkison and Brewton.

Also, appointed Messrs. Edwards, Watkins, and Cunningham, of Sierra, as Committee of Conference on their part upon Assembly bill No. 197, An Act supplementary to an Act to provide for the permanent location of the Seat of Government of the State of California.

Also, have appointed on their part, Messrs. Ashley, Jones, and Johnston, of San Francisco, as a Committee of Conference upon the disagreeing vote of the two Houses upon Senate amendments to Assembly bill No. 217, An Act amendatory of an Act concerning County Records.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

April 24. 1855.

Assembly bill No. 378, entitled An Act to confirm a certain contract of the Trustees of the City of Monterey, for the building of a Wharf, taken up.

Read first and second time, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 382, An Act to change the Time of holding the County Court and Court of Sessions of the County of Calaveras, and to change the manner of summoning a Jury for the County Court of said County.

Read first and second time, and referred to Calaveras delegation.

Assembly bill No. 289, An Act granting Jesse Busan the right to construct a Toll Bridge across the Middle Fork of the Cosumnes River.

Read first and second time, and referred to the Committee on Corporations.

Assembly bill No. 216, An Act to amend an Act to provide for the Protection of Foreigners, and to define their Duties, and Liabilities and Privileges, passed March 30, 1853.

Read first and second time, and referred to the Committee on Mines and Mining Interests.

Assembly bill No. 374, An Act supplementary to and amendatory of an Act entitled an Act to provide for the Settlement of the Affairs of the State Marine

Hospital, at San Francisco, and to dispose of the Property belonging to the same, passed April 16, 1855,

Read first and second time, and referred to the Committee on Hospitals.

Assembly bill No. 349, entitled An Act to provide for the Survey and Construction of a Wagon Road, and for the Sinking of Wells on the same, from the Colorado River to the Bay of San Diego,

Was read first and second time, and referred to the Committee on Internal Improvements.

Assembly bill No. 383, An Act to provide for the Improvement of the Wagon Road from the eastern boundary of the State, through the Cajon Pass to San Pedro, in Los Angeles County,

Was read first and second time, and referred to the Committee on Internal Improvements.

Assembly bill No. 376, An Act to provide for the Payment of the amount remaining due for Express Charges for the Fifth Session of the Legislature of this State,

Was read first and second time, and referred to the Committee on Claims.

Assembly bill No. 373, An Act concerning Conveyances, Mortgages and other instruments in writing,

Was read first and second time, and referred to the Committee on the Judiciary.

Senate bill No. 127, An Act amendatory of an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April 29, 1851, and also amendatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, passed May 15, 1854,

Was considered, and Assembly amendments concurred in.

Assembly bill No. 243, An Act concerning Crimes and Punishments, passed April 16, 1850,

Was read to the Senate, by request of the Assembly, receded from the amendment to the title.

Assembly bill No. 33, An Act concerning Lawful Fences, taken up.

On motion of Mr. Heintzelman, Assembly amendments to Senate amendment were concurred in.

The Senate, as in Committee of the Whole, took under consideration Assembly bill No. 18, An Act to establish, support and regulate Common Schools, and to repeal former Acts concerning the same.

Mr. Tuttle moved that the bill lay on the table, and be made the special order for to-morrow.

The ayes and noes were demanded by Messrs. French, Day and Heintzelman, with the following result:

#### AYES.

Messrs. Crenshaw, French, Gove, Kendall, Mahoney, McFarland, Norman, Tuttle—8.

#### NOES.

Messrs. Burton, Day, Flint, Hawks, Hawthorne, Heintzelman, Hook, Leake, Mandeville, May, McGarry, McNeil, Moore, Peck, Rust, Scellen, Sprague, Stebbins, Whiting—19.

The bill was then considered in Committee of the Whole.

The Committee after spending some time thereon, rose and reported the bill back to the Senate, and recommended its passage as amended.

Mr. Mahoney offered the following amendment:

*Provided*, that the Common Council, on the petition of fifty heads of families, citizens of the district, shall establish a school or schools in said district, and shall award said school a *pro rata* of the School Fund, *provided*, no sectarian doctrines are taught in said school.

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Day, Heintzelman and Mahoney, with the following vote:

AYES.

Messrs. Crenshaw, De la Guerra, French, Hall, Hawks, Heintzelman, Hook, Kendall, Lippincott, Mahoney, Mandeville, McFarland, McGarry, McNeil, Norman, Rust, Whiting—17.

NOES.

Messrs. Burton, Colby, Day, Flint, Gove, Hawthorne, May, Moore, Peck, Scellen, Sprague, Stebbins, Tuttle—13.

The amendments were then severally concurred in.

The bill was read a third time and passed.

Mr. Sprague presented the following report:

*Mr. President:*

The Committee of Free Conference upon the disagreeing vote of the two Houses upon amendments to Senate bill No. 44, for An Act concerning Public Ferries and Toll Bridges, beg leave to make the following report, and recommend that the Senate concur in first amendment of Assembly, to section 17.

The Assembly recede from their second and third amendments to section seventeen, and adopt as a substitute to Assembly amendment to section seven, the following:

*Provided*, such person applying for renewal shall, in all respects, have complied with the terms and requirements of this Act. And insert in second line of substitute to section twenty-seven, after the word "sessions," the words "or District Judge."

R. T. SPRAGUE,  
Chairman Senate Com.

E. H. GAYLORD,  
Chairman Assem. Com.

The report was concurred in.

Mr. Mahoney gave notice that he will, on to-morrow, introduce a bill for an



Act explanatory of an Act to amend an Act to provide for the Incorporation of Railroads.

Mr. Crenshaw presented the following report:

*Resolved*, That the Secretary of the Senate be authorized to insert the following explanatory note in the Journal of the proceedings of the Senate of the 20th of March, 1855:

(Reference note for the correction of the Journal, and explanatory of the record here made):

The above vote last recorded, was had upon the original amendment 5, (not here inserted) the same having been erased from the engrossed copy of proposed amendments to the Constitution, and by which said original amendment 5 was rejected.

The next succeeding vote was had upon the last proposed amendment, above recorded as amendment 5, which originally stood in the engrossed copy as amendment 6, but was changed to amendment 5, and by which the same was adopted.

Adopted.

According to previous notice, Mr. Flint, introduced a bill entitled an Act to encourage Immigration and to facilitate Inter-Oceanic communication.

Read a first time and laid over under the rules.

On motion of Mr. Lippincott, the Senate took up Senate bill No. 212, An Act to provide for Funding the Floating Debt of the City of Marysville, and for the extinguishment thereof.

On motion of Mr. Burton, the same was laid on the table.

Mr. Hawks moved to take up, as the special order of the day, Senate bill No. 24, An Act to consolidate the City and County of San Francisco, and to provide for their local government, which had, by leave of the Senate, been made a special order while in Committee of the Whole.

The Chair (Mr. Peck) decided the bill to be in order.

Mr. Norman appealed from the decision of the Chair.

The question then being, "Shall the decision of the Chair stand as the judgment of the Senate?"

Decided in the negative.

On motion of Mr. Hawks, the Senate took under consideration the unfinished business of yesterday, Senate bill No. 171, substitute for Senate bill No. 29, An Act to discourage the Immigration to this State of persons who cannot become citizens thereof

On motion of Mr. Mandeville, the amendments were concurred in.

Bill read a third time.

On its final passage, the ayes and noes were demanded by Messrs. Sprague, Crenshaw and Tuttle, with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, French, Gove, Hawks, Hawthorne, Hook, Keene, Lippincott, Mahony, Mandeville, May, McFarland, McNeil, Norman, Peck, Rust, Sprague and Tuttle—21.

Mr. Flint—1.

On motion of Mr. Mandeville, the following resolution was taken up:

*Resolved*, That the Sergeant-at-Arms of the Senate be instructed to certify to the account of the official reporter, William Coates, as an officer of the Senate at twenty dollars per day from and after his appointment.

Adopted.

Mr. Sprague presented the following report :-

*Mr. President:*

The Committee of Free Conference on the disagreeing votes of the two Houses upon amendment to Assembly bill No. 217, for an Act amendatory of an Act concerning County Recorders, passed March 26, 1851, ask leave to report that they have agreed upon the following amendments to the bill:

First. Assembly concur in Senate amendment.

Second. Further amend the bill as follows:

Strike out all after the word "in," in first line, down to the word "be," in the third line, and insert the words, "all the Counties of this State"; also, strike out all after the word "July," in the sixth line, down to the word "from," in the tenth line.

R. T. SPRAGUE,  
Chairman Senate Committee.

D. R. ASHLEY,  
Chairman Assembly Committee.

Concurred in.

On motion of Mr. Hawks, the Senate, as in Committee of the Whole, took under consideration Senate bill No. 211, An Act to consolidate the City and County of San Francisco and to provide for their Local Government.

After some time spent therein, the Committee rose and reported the bill back to the Senate.

The following messages were received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly have, this day, in accordance with the request of the Senate, granted unanimous consent for the insertion of the words "Sonoma County," in Senate bill No. 180, An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

Also, have concurred in the report of the Committee of Free Conference upon Assembly bill No. 300, An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, passed May 15, 1854.

Also, have concurred in Senate amendments to Assembly bill No. 190, An Act to amend an Act to regulate Elections, passed March 23, 1850.

Also, have passed Senate bill No. 216, An Act amendatory of an Act entitled an Act dividing the State into Counties and establishing Seats of Justice therein, approved April 25, 1851.

Also, have adopted the report of the Committee of Free Conference upon Senate bill No. 44, An Act concerning Public Ferries and Toll Bridges.

J. W. SCOPY,

Assistant Clerk of Assembly.

April 25, 1855.

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on yesterday, Assembly bill No. 340, An Act to provide for annulling the Contract at present existing between the State of California and J. M. Estill, Lessee for the keeping of the State Prison Convicts, made under an Act entitled an Act to provide for securing the State Prison Convicts, passed April 25, 1851, and an Act entitled an Act in relation to State Prison Convicts, passed April 10, 1852.

Also passed, this day, Assembly bill No. 366, An Act so provide for the Government of the State Prison.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

Assembly bill No. 366, An Act to provide for the Government of the State Prison.

Read first time.

Objection being made to the second reading, Mr. Leake moved that the rules be suspended.

The ayes and noes were demanded by Messrs. Leake, Tuttle and Rust, with the following result:

AYES.

Messrs. Colby, Crenshaw, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Keene, Leake, Mahoney, May, McCoun, McFarland, McGarry, McNeil, Moore, Peck, Rust, Scellen, Stebbins and Whiting—24.

NOES.

Messrs. Burton, Hook, Mandeville, Sprague and Tuttle—5.

The bill was then read a second time and referred to Committee on State Prison.

Assembly bill No. 340, An Act to provide for annulling the Contract at present existing between the State of California and James M. Estill, Lessee for the keeping of the State Prison Convicts, made under an Act entitled an Act to provide for securing the State Prison Convicts, passed April 25, 1851, and an Act entitled an Act in relation to State Prison Convicts, passed April 10, 1852.

Read a first time.

Mr. Leake moved that the rules be suspended and the bill be read a third time.

The ayes and noes were demanded by Messrs. Sprague, Burton and Rust, with the following result:

AYES.

Messrs. Colby, Crenshaw, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Leake, May, McCoun, McFarland, McGarry, Peck, Rust, Scellen, Stebbins and Whiting—22.

NOES.

Messrs. Burton, Mandeville, McNeil, Sprague and Tuttle—5.

The bill was then read a second time.

Mr. McFarland moved that the bill be referred to the Committee on Finance.

Mr. Leake moved to amend by referring to Committee on State Prison.

The ayes and noes were demanded by Messrs. Burton, Tuttle and Sprague, with the following result:

AYES.

Messrs. Flint, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Keene, Leake, McCoun, McGarry, Peck, Stebbins and Whiting—12.

NOES.

Messrs. Burton, Colby, Crenshaw, Day, Hook, Lippincott, Mahoney, Mandeville, May, McFarland, McNeil, Moore, Rust, Seellen, Sprague and Tuttle—16.

On motion, the bill was then referred to the Committee on Finance, with instructions to report to-morrow.

Mr. Mahoney moved to take a recess until half past seven P. M.

The ayes and noes were demanded by Messrs. Tuttle, Burton and Hook, with the following result:

AYES.

Messrs. Crenshaw, Day, Flint, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Lippincott, Mahoney, May, McCoun, McGarry, McNeil, Moore, Scellen, Sprague and Whiting—19.

NOES.

Messrs. Burton, French, Keene, Keake, Mandeville, McFarland, Peck, Rust, Stebbins and Tuttle—10.



7½ o'clock, P. M.

The Senate met pursuant to adjournment.

The President in the Chair.

The substitute for Senate bill No. 211, entitled An Act to consolidate the City and County of San Francisco and provide for their Local Government, was then taken up.

Adopted.

The Senate then, as in Committee of the Whole, proceeded to the consideration of the same.

After some time spent therein, the Committee rose, reported the bill back, recommending the concurrence of the Senate to the amendments made in Committee.

Agreed to.

Substitute adopted.

Mr. May moved that the bill be laid on the table and made the special order for to-morrow.

Lost

Mr. Mandeville moved to re-consider the vote by which all after the enacting clause was stricken out.

The ayes and noes were demanded by Messrs. Moore, Leake and Mandeville, with the following result :

#### AYES.

Messrs. French, Gove, Leake, Mandeville, May, Moore, Norman and Sprague—8.

#### NOES.

Messrs. Burton, Colby, Day, Flint, Hawks, Heintzelman, Kendall, Mahoney, McCoun, McFarland, McNeil, Rust and Stebbins—13.

Mr. Leake moved to adjourn.

The ayes and noes were demanded by Messrs. Leake, Mandeville and French, with the following result :

#### AYES.

Messrs. French, Leake, Mandeville and May—4.

#### NOES.

Messrs. Burton, Colby, Day, Flint, Gove, Hawks, Heintzelman, Kendall, Lippincott, Mahoney, McCoun, McFarland, McNeil, Moore, Norman, Rust, Scellen, Sprague and Stebbins—19.

Mr. Hawks moved that the rules be suspended and that the bill be considered engrossed and read a third time.

Mr. Kendall then demanded the previous question.

Sustained.

## IN SENATE.

THURSDAY, April 26, 1855.

The Senate met pursuant to adjournment.  
The President of the Senate in the chair.  
Prayer by the Rev. Mr. Crouch.  
The Journal of yesterday was read and approved.

Mr. Heintzelman presented a petition from citizens of the County of Sonoma, praying for the passage of a law protecting settlers.

Referred to the Committee on the Judiciary with instructions to report a bill to-morrow.

Mr. Keene presented the following report:

*Mr. President :*

The Committee on Public Lands, to whom was referred a bill for an Act granting the use of certain Overflowed Lands to James F. Hibbard, have considered the same, and report it back to the favorable consideration of the Senate.

B. F. KEENE,  
Chairman.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed, An Act to provide for the purchase of sundry Manuscript Maps therein described.

Also, proposed amendment to section three article eleven of the Constitution of the State of California.

G. W. COLBY,  
Chairman.

Mr. Day presented the following report:

*Mr. President:*

The Committee on Internal Improvements, to whom was referred Assembly bill No. 301, An Act to authorize J. P. Lane, R. L. Mathews and others to construct a Wagon Road from San Juan Valley to the San Joaquin Valley, and to provide for the tolls to be collected on the same, have had the same under consideration, and believe that the bill intends to provide for a road much needed by the locality through which it would run; but the Committee is unanimously of opinion that the object can be more properly attained by forming an incorporation under the general law for turnpike road companies, and the

Committee further believes that the bill would not be approved by the Governor for the same reasons stated by him in several veto messages during the present session, which were sustained by a vote of the Senate. The best cure for special legislation of this kind, is to refer all parties seeking it to the general law.

The Committee, therefore, recommend the indefinite postponement of the bill.

By order of the Committee,

S. DAY,

Chairman.

Mr. Lenke presented the following report:

*Mr. President:*

The Committee on Counties and County Boundaries have had under consideration Assembly bill No. 25, An Act to Organize the County of Buena Vista, report the same back to the Senate without recommendation.

CHAS. A. LEAKE.

Mr. Lenke presented the following report:

*Mr. President:*

The Committee on Counties and County Boundaries have had under consideration Assembly bill No. 352, An Act to establish a permanent Boundary Line between the Counties of Stanislaus and Tuolumne, report the same back, without amendment, and recommend its passage.

CHAS. A. LEAKE.

Mr. Whiting presented the following report:

*Mr. President:*

The Committee on Commerce and Navigation have had under consideration Senate bill No. 208, An Act to provide for the construction of a Wharf on the south side of the Encinal, San Antonio, in Alameda County, with the following amendments, and recommend its passage as amended.

B. C. WHITING,  
JAS. G. STEBBINS,  
G. D. HALL.

Mr. Mahoney presented the following report:

*Mr. President:*

The Committee on Commerce and Navigation, to whom was referred Assembly bill for an Act to confirm a certain contract of the city of Monterey for

the building of a Wharf, have considered the same, and instructed me to report the bill back to the Senate, without amendment, and recommend its passage.

D. MAHONEY.

Mr. Flint presented the following report:

*Mr. President:*

Your Committee on Claims have examined the vouchers of T. F. W. Price, for expenditures for expedition to chastise the Clear Lake Indians in the year 1851, and believe that the same is a just claim against the State.

WILSON FLINT,  
Chairman.

Mr. Hook presented the following report:

*Mr. President:*

Your Committee on Indian Affairs have had under consideration a bill entitled an Act for the Relief of Isaac W. Sanbaugh.

It appears from the statement of the Hon. E. L. Curtis, that said Sanbaugh paid out of his own private funds, the sum of eight hundred and three dollars for ammunition, provisions, etc., for the use of the military expedition against the Indians in Siskiyou County, and that on account of the neglect of an individual to whom was entrusted the vouchers in relation to his claim, in not presenting the same to the War Board properly authenticated, he, said Sanbaugh, has been unable to procure the amount due him.

Your Committee, therefore, recommend the passage of the same, and ask to be discharged from its further consideration.

G. W. HOOK.

Mr. Tuttle presented the following report:

*Mr. President:*

The Committee on Federal Relations, to which was referred Assembly Concurrent Resolution No. 18, in relation to a Mail from Monterey to Santa Barbara, have had the same under consideration, and have directed me to report back the same and recommend its passage.

CHAS. A. TUTTLE,  
Chairman.

Mr. Whiting presented the following report:

*Mr. President:*

The Committee on Corporations have had under consideration Assembly bill No. 289, An Act granting Jesse Busan the right to construct a Toll-Bridge



across the Middle Fork of the Cosumnes River, and report the same back to the Senate, without amendment, for the consideration of the Senate.

B. C. WHITING,  
Chairman.

Mr. Whiting presented a memorial from S. E. Woodworth in relation to the loss of a piece of three per cent. scrip.

Referred to the Committee on Claims.

The following report was received from the Committee on War Claims:

*Mr. President :*

The Select Committee to whom was referred the settlement made with Major William Rogers, Commander of the expedition against the Indians in El Dorado county, have considered the same and submit the following report:

A resolution passed the Assembly on the 16th of February, 1852, requiring the Controller of State to furnish to that House the report of the Quartermaster, A. W. Bee, together with all the papers accompanying the same pertaining to the expeditions of the volunteers of El Dorado county against the Indians, under the command of Major William Rogers. On the 20th of February, the Controller transmitted the entire mass of documents to the Assembly, with the the following communication:

*To the Assembly of California :*

I have the honor to transmit herewith the muster rolls, reports, vouchers, abstracts of stores, supplies, &c., with other papers and documents required by your resolution, referring to the second El Dorado expedition, commanded by Major William Rogers, A. W. Bee, Quartermaster.

(Signed) W. S. PIERCE.

This entire mass of documentary evidence, formal and informal, was referred to the Assembly Committee on Indian Affairs, consisting of Messrs. Lyons, McMullen, Coates, Haraszthy, Covarrubias, Ridley, Stark, McKim and Fowler.

After a laborious investigation by this Committee, for one entire month, they reported to the House the amount of indebtedness justly chargeable against the State on account of these expeditions, and close their report as follows:

"Therefore, the Committee are of the opinion that the State cannot fail to provide for the payment of these claims without subjecting herself to the foul charge of repudiating an honest debt."

And, in another report, dated 26th of March, in which the Committee refer to the claims of Major Rogers, as examined and approved by them, and use the following language:

"Your Committee being satisfied that this indebtedness has been contracted in good faith, in actual defence of our frontiers, earnestly recommend that the

annexed bill be immediately passed by this House, which provides for a just and equitable liquidation of this indebtedness."

The bill referred to passed the Assembly and was sent, together with all the papers, to the Senate, and there referred to the standing Committee on Indian Affairs; and the whole subject again underwent a thorough scrutiny, and the Committee concurred in the recommendation of the Committee of the Assembly, and the bill for An Act to authorize the Board of Examiners to settle the Accounts of Major William Rogers for the first and second El Dorado Expeditions against the Indians, passed the Senate and was approved on the 1st of May, 1852.

The necessity which existed for the passage of this law will explain the ambiguity which is apparent on the books of the Board of Examiners. With all the evidence before them, the Committees of the Assembly and Senate and the Board of Examiners found that it would be impossible to make a settlement without an express delegation of authority "to recognize and allow all such vouchers, as valid, as the Board of Commissioners shall, in their judgment, deem just and equitable." This was the reason and justification of the law.

With this authority, the Board of Examiners proceeded with the examination of the accounts of Major Rogers, and conclude their report to the Legislature as follows:

"In conclusion, we would respectfully state, in justice to Major Rogers, that, in the course of our examination, we found no evidence of any fraud on his part, and are disposed to attribute the existing errors in part to the misconstruction of the law referred to, and also the Act of the 17th of March, 1851, as well as the unavoidable causes before specified in this, as well as a former statement made to your body.

(Signed)

RICHARD ROMAN,  
WINSLOW S. PIERCE,

Board of Examiners."

After the examination of Major Rogers' accounts, the Board of Examiners addressed to Mr. B. F. Keene the following communication:

OFFICE OF BOARD OF EXAMINERS, }  
Vallejo, August 28, 1852. }

DEAR SIR :

We have just completed the examination of the accounts of Paymaster Rogers, for disbursements in the first and second El Dorado campaigns.

As some anxiety on the subject has been entertained, it will be agreeable to the friends of Major Rogers to learn that the result of this examination has been favorable, and that, adding the amount of vouchers for disbursements which have been regularly and technically lawful, to the several allowances which have been made in his favor by the Military Committee of the Legislature, he will be fully exonerated from liability to the State.

The circumstances under which Major Rogers acted were those of peculiar

embarrassment, and his friends will be pleased to learn that he has so well performed his duty.

We remain, dear sir,  
Your most obedient servants,

RICHARD ROMAN,  
WINSLOW S. PIERCE,  
Board of Examiners of Military War Claims.

To B. F. KEENE, Placerville.

The following statement has been submitted to the Committee by B. F. Ankeny, Esq.:

B. F. Ankeny submits for your consideration, and to be sustained by proof if required, the following statement as the facts connected with his acts as Quartermaster of the First El Dorado Expedition, relative to the disposition of horses, mules, etc., purchased by him for said expedition in the year 1850.

Within three days after the Volunteer Companies were raised by Wm. Rogers, then Sheriff of El Dorado County, Gov. P. H. Burnett, then acting as Governor of California, made and forwarded to Rogers an order to raise, supply, arm and equip, and keep in service, two hundred men (volunteers) as long as necessary to repel any invasion by the Indians in that vicinity, making Rogers the Commander of the Battalion; and he deeming it necessary to have a Quartermaster (so called, but not authorized by our military law expressly,) to purchase supplies, the undersigned was appointed such Quartermaster by him, and as such, purchased for the battalion the supplies mentioned in his Quartermaster's report, on file among the State archives, and immediately transferred the same to Maj. Rogers, who received the same, and it being the understanding of all parties concerned that Maj. Rogers was officially responsible to the Governor or State for the manner in which he conducted the expedition, the act of turning over the property to him by the undersigned relieved him from further responsibility in the premises. A portion of the stock thus turned over to Maj. Rogers was stolen, strayed and died during the service; about twenty-six head reduced, crippled and poor, were placed on Crook & Davis' ranch, on the Cosumnes River, at the close of the expedition by Maj. Rogers, which remained there for some time after the Quartermaster's report was made out, and subsequently taken to Sacramento City by Maj. Rogers and sold in the Horse Market for cash.

The undersigned, John Brown, Commissary of said expedition, was present: the former of whom took an account of the number sold and price of each. About twenty-six head were sold, and brought six hundred and thirty-nine dollars, as near as can now be recollected. Major Brown then and there received every dollar of the money, and states he paid out the same on account of expenses in keeping and selling stock, and other incidental expenses connected with the expedition. The sale of this stock was not included in the Quartermaster's report, for the reasons above stated. In the spring of 1851, when the undersigned called on Maj. Rogers as State disbursing officer, to pay for supplies and services of said expedition, to draw his bonds, or pay, for services and claims purchased by him, he required a report of the sales of stock to be made to him, and to pay him any amount he might have received of the Government supplies or stocks. The undersigned did make such report in full, accounting to said Rogers as disbursing officer of the State, for

every dollar's worth consumed by him, which, including a horse purchased at said sale of stock, amounted to about one hundred and sixty-three dollars, and which amount was deducted by Maj. Rogers from the amount due me from the State for services as Quartermaster, and bond issued for the remainder.

The undersigned particularly requested said report to be placed on file with Rogers' papers, (as disbursing officers,) in the proper office. It seems, however, that it is not to be found, and hence the undersigned Quartermaster is reported a defaulter to the State in the sum of \$1183.

The undersigned, in conclusion, most respectfully requests, that he may be informed as to what is required of him, in order that he may be fully exonerated from the above charge, and that the Record be corrected, and holds himself in readiness to produce such other or further testimony in addition to this statement, as may be required by your Committee.

Very respectfully,

B. F. ANKENY.

STATEMENT OF JOHN BROWN, LATE COMMISSARY, ETC.

The undersigned, late Commissary of the First and Second Battalions El Dorado Volunteers, begs leave to submit the following statement for the consideration of the Select Committee of the Senate :

A number of horses and mules were purchased, on the faith and credit of the State of California, for the use of the First Battalion California Volunteers, engaged in the El Dorado Indian war. Said horses and mules were sold in the city of Sacramento, at public auction, and proceeds of sale, amounting to about six hundred dollars, received by me and disbursed, for keeping the animals in Sacramento City about ten days, commissions for selling same, ranch fees to Crook & Dunn for keeping said animals, hire of hands, and cash paid J. C. Johnson and others.

The undersigned does not remember the amount paid to any party, but took their several receipts for the same, and filed them with a report to the Legislature, at San Jose, in the spring of 1851.

Your obedient servant,

JOHN BROWN,

Late Commissary to 1st and 2d Batt'n El Dorado Volunteers.

Your Committee have not had the time nor opportunity to look into the accounts of the individual officers of the El Dorado expeditions against the Indians, nor do they deem it necessary, as those officers have been called one by one before the Committees of the Assembly and Senate, and also before the Board of Examiners of War Claims, and we have no doubt of the correctness, from all the papers and vouchers before them, of the reports of the Board of Examiners and the Special Committee on the indebtedness of the State, on account of the Indian Wars, but submit to the Senate whether it is not requiring too much, at this late day, that the officers engaged in these expeditions should now come forward and close up minutely accounts, which they thought had been settled long since. No one pretends to deny but that many of the papers on which claims were allowed and settlements made, by committees of the Legislature, have been lost and cannot now be found.

The Board of Examiners are satisfied of this fact, and their principal reason for pressing these matters on the attention of the Legislature at this time, has been to close up the affairs of these expeditions, and not leave them open for future cavil. It was impossible for them to do so without the missing papers and vouchers, which



cannot be replaced, at this remote day. Therefore, it is deemed inexpedient and unjust to require of these officers what would be an impossibility—the re production of the lost vouchers. In view of all the facts, your Committee would recommend the adoption of the following resolution :

B. F. KEENE,  
A. S. GOVE,

Committee.

Mr. Keene presented the following resolution:

*Resolved*, That the Board of Examiners of War Claims be and they are hereby directed to enter on their books a full settlement of the account of Maj. Wm. Rogers and A. W. Bee, officers in the El Dorado Expeditions against the Indians, and give them a clear receipt against the State; and to make settlements and give receipts in like manner to all other officers with whom they may be satisfied settlements have been made by the proper authorities.

Mr. Whiting moved that the resolution be indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. Whiting, Stebbins and Keene, with the following result:

AYES.

Messrs. Burton, Crenshaw, Kendall, Lippincott, Mandeville, May, McFarland, McGarry, Norman, Scellen, Stebbins, Tuttle and Whiting—13.

NOES.

Messrs. Day, French, Gove, Hall, Hawks, Hawthorne, Hook, Keene, McCoun, McNeil, Moore, Rust, Sprague and Mr. President—14.

Mr. Stebbins moved that the name of Wm. C. Foster be inserted in the resolution.

Lost.

Mr. Whiting moved that the resolution be laid on the table.

Carried.

Mr. Whiting presented the following report:

*Mr. President:*

The Committee on Corporations, to whom was referred Senate bill No. 181, An Act to amend Section Eleven of an Act entitled an Act to provide for the Incorporation of Railroad Companies, passed April 22, 1853, and amended May 15, 1854, have had the same under consideration, and report the same back, without amendment, and recommend its passage.

B. C. WHITING,  
Chairman.

Mr. Lippincott presented the following report:

*Mr. President:*

Your Select Committee, to whom was referred Senate bill for an Act supplementary to an Act to Incorporate the City of Marysville, have considered the same and ask leave to report the bill back to the Senate with a recommendation that it be passed.

JAS. G. STEBBINS,  
C. E. LIPPINCOTT.

The following messages were received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly have, this day, passed Senate bill No. 86, a bill for an Act entitled an Act to fix the Salary of the County Judge of Placer County.

Respectfully submitted,

J. W. SCOBY,  
Assistant Clerk of Assembly.

April 25, 1855.

*Mr. President:*

I am directed to inform the Senate that the Assembly have this day passed the following bills:

Senate bill No. 6, An Act for the Relief of John F. Hayes.  
Senate bill No. 124, An Act for the Relief of Jesse Sawyer.

Respectfully submitted,

J. W. SCOBY,  
Assistant Clerk of Assembly.

On motion, Assembly bill No. 300, An Act to amend an Act entitled an Act to provide Révenue for the support of the Government of this State, passed May 15, 1854, was taken up.

Assembly amendments concurred in.

Senate bill No. 216, An Act amendatory of an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, approved April 26, 1851.

Taken up and Assembly amendments concurred in.

Mr. Hall presented the following report:

*Mr. President:*

The Committee on Mines and Mining Interests have considered Assembly

bill No. 216, entitled an Act to amend an Act to provide for the protection of Foreigners, and to define their liabilities and privileges, passed March 30, 1853, and report the same back and recommend its passage.

G. D. HALL,  
Chairman.

Leave being granted, Mr. Moore introduced a bill for an Act to provide for the payment of the Salary of the District Attorney of the County of San Francisco.

Read a first and second time.

Rules suspended.

Read a third time and passed.

Mr. McFarland presented the following report:

*Mr. President :*

The Committee on Hospitals report back to the Senate Assembly bill No. 374, for an Act supplementary to an Act amendatory of an Act entitled an Act to provide for the settlement of the affairs of the State Marine Hospital at San Francisco, and to dispose of the property belonging to the same, passed April 16, 1855, and recommend its passage.

J. P. McFARLAND,  
Chairman.

On motion of Mr. Leake, the Senate took up Senate bill, an Act supplemental to an Act to create a Board of Supervisors, etc.

Read a first and second time.

Rules suspended.

Read a third time and passed.

Mr. Scellen moved to take up Senate bill No. 65, An Act to provide for taking the Second Census in 1855, and for taking the Census thereafter.

Upon which the ayes and noes were demanded by Messrs. McGarry, Rust and Hawks, with the following result:

AYES.

Messrs. Burton, Day, Flint, Hawks, Hawthorne, Leake, Lippincott, McFarland, McGarry, Moore, Norman, Peck, Rust and Scellen—14.

NOES.

Messrs. Crenshaw, French, Gove, Hall, Heintzelman, Hook, Kendall, McNeil, Sprague, Stebbins and Tuttle—11.

Mr. Sprague moved that the bill be indefinitely postponed.

Mr. French moved a call of the Senate.

Carried.

The following members were found absent without leave:

Messrs. Colby, De La Guerra and Keene.

On motion of Mr. Lippincott, further proceedings under the call were dispensed with.

On the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Burton, Rust and Sprague, with the following result:

## AYES.

Messrs. Day, De La Guerra, Flint, French, Hall, Heintzelman, Hook, Keene, Mahoney, McFarland, McNeil, Moore, Sprague, Stebbins, Tuttle and Whiting—15.

## NOES.

Messrs. Burton, Crenshaw, Gove, Hawthorne, Mandeville, May, McCoun, McGarry, Norman, Peck, Rust, and Scellen—11.

So the bill was indefinitely postponed.

Mr. Whiting moved to take up Senate bill No. 88, An Act to establish Steam Ferriage on the Bay of San Francisco, and render San Antonio Creek navigable.

Upon which the ayes and noes were demanded by Messrs. Whiting, Norman and Kendall, with the following result:

## AYES.

Messrs. Burton, Day, De La Guerra, Flint, French, Gove, Hall, Hawthorne, Mahoney, May, McCoun, McFarland, McGarry, McNeil, Peck, Stebbins and Whiting—16.

## NOES.

Messrs. Crenshaw, Hawks, Heintzelman, Hook, Keene, Kendall, Lippincott, Mandeville, Norman, Rust, Sprague and Tuttle—12.

The bill was then considered as in Committee of the Whole.

After some time spent therein, the Committee rose and reported the bill back to the Senate.

Mr. Kendall moved that the bill be indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. Tuttle, McCoun and Norman, with the following result:

## AYES.

Messrs. Burton, Crenshaw, Day, De La Guerra, Flint, Heintzelman, Keene, Kendall, Leake, Lippincott, Mandeville, McFarland, McNeil, Norman, Rust, Sprague and Tuttle—17.

## NOES.

Messrs. Colby, French, Gove, Hook, Mahoney, May, McCoun, McGarry, Peck, Scellen, Stebbins and Whiting—12.



On motion of Mr. Lippincott, the Senate took under consideration Senate bill No. 220, An Act for the relief of James Austin, by his Agent, Benjamin S Lippincott.

The bill was read a second time.

Mr. Norman moved a call of the Senate.

Lost.

On the final passage of the bill, it was decided by the following vote :

#### AYES.

Messrs. Day, De La Guerra, Flint, Gove, Hall, Hawks, Hawthorne, Kendall, Lippincott, Mahoney, Mandeville, McGarry, Peck, Scellen, Stebbins, Whiting—  
16.

#### NOES.

Messrs. Burton, Crenshaw, Keene, Leake, McNeil, Norman, Sprague, Tuttle—  
8.

On motion of Mr. Lippincott, the Senate took up Senate bill No. 231, entitled An Act supplementary to an Act entitled an Act to incorporate the City of Marysville.

Read third time and passed.

On motion of Mr. Burton, the Senate took up Senate bill No. 196, An Act supplementary to an Act entitled an Act to regulate Fees in Office, passed March 30, 1851.

Read third time and passed.

Mr. Sprague moved to take up Senate bill No. 205, An Act to authorize certain Chinese Companies to sell and convey certain Real Estate by their Superintendent. Agreed to.

The bill was then read a third time and passed.

On motion of Mr. Mahoney, the Senate took up Senate bill No. 212, An Act to provide for funding the Floating Debt of the City of Marysville, and for the Extinction thereof.

Read a third time and passed.

On motion, the Senate took under consideration Senate bill No. 136, An Act to amend an Act entitled an Act regulating Marriages, passed April 22, 1850.

Mr. Rust moved that the bill be indefinitely postponed

Carried.

The Senate then took up as in Committee of the Whole, Assembly bill No. 229, An Act to fix the Compensation of District Attorneys for the several Counties of this State.

After some time spent therein, the Committee rose, reported the bill back, and recommended its passage as amended.

The bill was then read a third time and passed.

Mr. Colby presented the following report :

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed An

Act to discourage the Immigration to this State of Persons who cannot become citizens thereof.

G. W. COLBY,  
Chairman Eng. Com.

Leave being granted, Mr. Colby introduced a bill for An Act to amend the seventh section of an Act to fund the Floating Debt of Sacramento County, and to provide for the Payment of the same, passed April 13, 1854.

Read first and second time, and referred to the Sacramento delegation.

On motion of Mr. McCoun, the Senate, as in Committee of the Whole, took up Senate bill No. 199, An Act to appropriate Money, to enable the Trustees of the Insane Asylum to build a Dining-room and Kitchen, also to purchase Furniture for the Main Building of the same.

After some time spent therein, the Committee rose, reported the bill back, with a recommendation that it pass as amended.

The amendments were then concurred in.

Bill read a third time, and the title amended by inserting "bath-house," and passed.

On motion of Mr. McGarry, the Senate took up Assembly bill No. 123, An Act for the Relief of the State Agricultural Society.

Mr. Mandeville moved that the bill be indefinitely postponed.

The ayes and noes were demanded by Messrs. McGarry, Mandeville and Peck, with the following result :

AYES.

Messrs. Burton, Crenshaw, Hawthorne, Hook, Mandeville, McFarland, Moore, Norman, Peck, Sprague, Stebbins, Tuttle—12.

NOES.

Messrs. Colby, Flint, Gove, Hall, Hawks, Heintzleman, Kendall, Lippincott, Mahoney, McCoun, McGarry, McNeil, Rust, Scellen—14.

The bill was then a third time, and passed by the following vote :

AYES.

Messrs. Colby, Day, Flint, Gove, Hall, Hawks, Heintzelman, Keene, Kendall, Lippincott, Mahoney, McCoun, McGarry, McNeil, Rust, Scellen—16.

NOES.

Messrs. Burton, Crenshaw, Hawthorne, Hook, Mandeville, McFarland, Moore, Norman, Peck, Sprague, Tuttle—11.

Leave being granted, Mr. Norman introduced a bill for An Act to repeal an Act to incorporate a State Agricultural Society, and appropriate Money for its Support, passed May 13, 1854.

Read first and second time, and referred to the Committee on Agriculture.

On motion of Mr. Kendall, the Senate as in Committee of the Whole, took up

Assembly bill No. 352, An Act to establish a permanent Boundary Line between the Counties of Stanislaus and Tuolumne.

After some time spent therein, the Committee rose, reported the bill back amended, and recommended its passage as amended.

The bill was then read a third time and passed.

On motion of Mr. Mandeville, the Senate took up Senate bill No. 119, An Act to provide for the Payment of State Prison Inspectors.

Mr. Scellen moved a call of the Senate.

Agreed to.

The following Senators were found absent, without leave :

Messrs. Colby, De La Guerra, Flint, French, Kendall, Leake, Mahoney, May, Peck, Rust, Sprague, Stebbins and Whiting.

On motion of Mr. McGarry, further proceedings under the call were suspended. Senate bill No. 119, being then under consideration.

Mr. Burton moved to strike out \$1,500 and insert \$800.

The ayes and noes were demanded by Messrs. Moore, Mandeville and Tuttle, with the following result :

#### AYES.

Messrs. Burton, Crenshaw, Day, De La Guerra, French, Gove, Hawthorne, Heintzelman, Hook, Keene, Mandeville, McFarland, McGarry, McNeil, Norman, and Sprague—16.

#### NOES.

Messrs. Hall, Hawks, Kendall, Leake, Lippincott, Mahoney, May, McCoun, Moore, Rust, Scellen, Stebbins and Tuttle—15.

Mr. Scellen moved to insert \$1,200.

The ayes and noes were demanded by Messrs. McFarland, French and Lippincott, with the following result :

#### AYES.

Messrs. Day, Flint, Gove, Hall, Hawks, Kendall, Leake, Lippincott, Mahoney, May, McConn, McGarry, Moore, Rust, Scellen and Tuttle—16.

#### NOES.

Messrs. Burton, Crenshaw, French, Hawthorne, Hook, Keene, Mandeville, McFarland, McNeil, Norman and Sprague—11.

Mr. McCoun moved the previous question.

Sustained.

The question then being shall the main question now be put ?

Decided in the affirmative.

The question shall the bill be ordered to be engrossed for a third reading to-morrow ?

Decided in the affirmative.

Mr. Tuttle moved to take a recess untill half-past 7, P. M.

The ayes and noes were demanded by Messrs. Mandeville, Burton and McCoun, with the following result :

## AYES.

Messrs. Colby, Crenshaw, Flint, Gove, Hawthorne, Heintzelman, Hook, Keene, Kendall, Mahoney, McFarland, Moore, Rust, Scellen, Sprague, Stebbins and Tuttle.—15.

## NOES.

Messrs. Burton, Day, French, Hall, Hawks, Leake, Lippincott, Mandeville, May, McCoun, McGarry, McNeil, Norman and Peck—12,

7½ o'clock, P. M.

The Senate met pursuant to adjournment.  
President *pro tem.*, Mr. Sprague, in the chair.

Leave being granted, Mr French introduced a bill entitled An Act to provide for a Contingent Fund for the arrest of Fugitives from Justice.

Read first time and objection being made to its second reading, it was laid over under the rule.

Mr. Colby presented the following report :

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed An Act to Consolidate the City and County of San Francisco, and to provide for their local government.

G. W. COLBY,  
E. T. PECK,  
W. FLINT.

On motion of Mr. McFarland, the Senate took up Assembly bill No. 374, An Act supplemental to and amendatory of an Act entitled an Act to provide for the settlement of the affairs of the State Marine Hospital, at San Francisco, and to dispose of the property belonging to the same, passed April 16, 1855.

Bill was considered, amended, read a third time and passed.

On motion of Mr. McNeil, the Senate as in Committee of the Whole, took up Assembly bill No. 88, An Act to provide for the sale of the swamp and overflowed lands belonging to the State.

After some time spent therein the same was amended.

Committee rose, reported the bill back and recommended its passage as amended.

The bill was then read a third time and passed.

On motion of Mr. Hawks, the Senate took up Senate bill No. 39, An act amendatory of and supplementary to an Act entitled an Act concerning Escheated Estates, passed May 4, 1852.

First, second and third Assembly amendments concurred in and on the fourth amendment,



Mr. Hawks asked that a Committee of Conference might be appointed.

The Chair appointed as such committee, Messrs. Hawks, Whiting and McFarland.

Mr. Whiting presented the following resolution which was adopted :

*Resolved*, That hereafter no Senator shall speak over five minutes upon any one bill, without the unanimous leave of the Senate.

On motion of Mr. May, the Senate took up Assembly bill No. 363, An Act to purchase the portrait of Major General John Augustus Sutter.

Mr. McFarland offered the following resolution:

*Resolved*, That for the purpose of purchasing the picture of Gen. J. A. Sutter, each member of the Legislature be required to pay out of his private pocket fifty dollars each.

The ayes and noes were demanded by Messrs. McGarry, McFarland and French, with the following result :

AYES.

Messrs. Heintzelman, Hook, Mahoney, McFarland, McNeil, Sprague, Stebbins and Whiting—8.

NOES.

Messrs. Burton, Crenshaw, De La Guerra, Flint, French, Gove, Hawks, Hawthorne, Keene, Lippincott, Mandeville, May, McCoun, McGarry, Norman, Peck, Scellen and Tuttle—18.

Mr. Norman offered the following resolution :

*Resolved*, That the said Jewett be authorized to take a portrait of Gen. J. E. Wool, and apply to the Legislature of 1856 for an appropriation in payment therefor.

The ayes and noes were demanded by Messrs. Heintzelman, McFarland and McGarry, with the following result:

AYES.

Messrs. Burton, Heintzelman, Hook, Kendall, Leake, Mahoney, May, McCoun, McFarland, McGarry, McNeil, Norman, Peck, Sprague, Stebbins and Whiting—16.

NOES.

Messrs. Crenshaw, De la Guerra, Flint, French, Gove, Hawks, Hawthorne, Keene, Lippincott, Mandeville, Scellen and Tuttle—12.

So the additional section was adopted.

On the final passage of the bill,

The ayes and noes were demanded by Messrs. Hawks, Heintzelman and McFarland, with the following result:

AYES.

Messrs. Flint, French, Gove, Hawks, Hawthorne, Keene, Kendall, Lippincott, Mahoney, May, McCoun, McGarry, Moore, Peck, Stebbins and Tuttle—16.

NOES.

Messrs. Burton, Crenshaw, Heintzelman, Hook, Leake, Mandeville, McFarland, McNeil, Norman, Scellen, Sprague and Whiting—12.

On motion of Mr. Burton, the title of the bill was amended by adding "and to provide for taking the portrait of Major General John E. Wool, U. S. A."

The Senate took up Assembly bill No. 229, An Act to encourage Immigration and to facilitate Inter-Oceanic Communication.

Read a second time and referred to Committee on Internal Improvements.

Assembly bill No. 312, An Act to authorize Benjamin Forsyth to build a Wharf in Solano County.

On motion of Mr. Mahoney, referred to Committee on Commerce and Navigation.

On motion of Mr. McGarry, the Senate took up Senate bill No. 237, entitled An Act to provide for the Payment of Volunteers in an Expedition against the Clear Lake Indians, in the year 1851.

Mr. Hawks moved that the bill be indefinitely postponed.

Lost.

On the final passage of the bill,

The ayes and noes were demanded by Messrs. Keene, Hawks and McCoun, with the following result:

AYES.

Messrs. Burton, French, Gove, Leake, Mandeville, May, McCoun, McGarry, Norman and Peck—10.

NOES.

Messrs. Crenshaw, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Mahoney, McFarland, McNeil, Moore, Scellen, Sprague and Whiting—14.

Mr. Norman submitted the following report:

*Mr. President :*

The Committee on Enrollment have examined and find correctly enrolled the following bills:

An Act making Appropriations to defray the ordinary Civil Expenses of the Government of this State, from the first day of February, 1855, to the first day of February, 1856.

An Act entitled An Act to fix the Salary of the County Judge of Placer County.

An Act for the Relief of John F. Hayes.

An Act for the Relief of Jesse Sawyer.

An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein.

W. B. NORMAN,  
Chairman.

Mr. Norman presented the following report :

*Mr. President :*

The Joint Committee on Enrollment have, this day, presented to the Governor, for his signature, the following Acts:

An Act making Appropriations to defray the ordinary Civil Expenses of the Government of the State, from the first day of February, 1855, to the first day of February, 1856.

An Act entitled An Act to fix the salary of the County Judge of Placer County.

An Act for the Relief of John F. Hayes.

An Act for the Relief of Jesse Sawyer.

An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein.

W. B. NORMAN,  
Chairman.

Mr. Mahoney moved to adjourn.

The ayes and noes were demanded by Messrs. Leake, Mahoney and Hawks, with the following result:

AYES.

Messrs. Burton, Crenshaw, Flint, Hawks, Keene, Kendall, Mahoney, Mandeville, McFarland and Whiting—10.

NOES.

Messrs. Day, French, Gove, Hawthorne, Hook, Leake, Lippincott, May, McCoun, McGarry, McNeil, Moore, Norman and Sprague—14.

Mr. Mahoney moved a call of the Senate.

The ayes and noes were demanded by Messrs. Hawks, Mahoney and French, with the following result:

AYES.

Messrs. Hawks, Hook, Kendall, Mahoney, Peck, Scellen and Whiting—7.

NOES.

Messrs. Burton, Crenshaw, Day, French, Gove, Hawthorne, Keene, Leake, Lippincott, Mandeville, McCoun, McFarland, McGarry, McNeil, Moore, Norman and Sprague—18.

Mr. Day gave notice that he would, on to-morrow, introduce a bill supplementary to an Act entitled An Act to provide for the Survey and Construction of a Wagon Road over the Sierra Nevada Mountains.

On motion of Mr. May, the Senate took up Assembly bill No. 253, An Act for the Relief of Citizens in Klamath County, who have been engaged in subduing Indian Hostilities in said County.

Mr. Hook moved to adjourn.

The ayes and noes were demanded by Messrs. French, May and Hawks, with the following result:

AYES.

Messrs. Burton, Crenshaw, Flint, Hawks, Hawthorne, Hook, Keene, Kendall, Mahoney, Maudeville, May, McCoun, McFarland, McGarry, Peck, Scellen and Whiting—17.

NOES.

Messrs. Day, French, Gove, Heintzelman, Leake, Lippincott, McNeil, Moore, Norman and Sprague—10.

SAM. PURDY,

President of Senate.

C. DICKINSON,

Secretary of Senate.

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## IN SENATE.

FRIDAY, April 27, 1855.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Flint presented the following report :

*Mr. President:*

Your Committee on Claims have examined the bill to relieve Joseph Marzen and Bernhard Mayer, and beg to report it back for the consideration of the Senate.

WILSON FLINT,

Chairman.

Mr. Flint presented the following report:



*Mr. President:*

Your Committee on Claims have had the bill for the relief of Selim E. Woodworth for lost bond, and recommend that the relief asked for be granted, upon his filing bond of indemnity to the State with the Controller.

WILSON FLINT,  
Chairman.

Mr. Flint presented the following report:

*Mr. President:*

Your Committee on Claims have had before them a bill to pay Wells, Fargo & Co. for express charges, and recommend it be referred to the Committee on Contingent expenses.

WILSON FLINT,  
Chairman.

Mr. McGarry presented the following report:

*Mr. President:*

The Committee on Contingent Expenses, to whom was referred the following accounts, have had the same under consideration, and instructed me to report the same back and recommend their payment:

John C. Langton, for two copies Sierra Citizen furnished Senate,	-	10	00
One copy Wide West, - - - - -	-	3	00
Two copies Golden Era, - - - - -	-	4	50
Seventeen copies Union Democrat, - - - - -	-	44	62½
Edwin Bell, for 22 copies Daily Times and Transcript, (Senate,) -	-	187	00

All of which is respectfully submitted.

EDW. MCGARRY,  
Chairman.

Report adopted and bills ordered paid.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate, to whom was referred Assembly bill No. 273, for An Act concerning Conveying Mortgages and other Instruments in writing, have considered the same, and ask leave to report the same back without amendment, and recommend its passage.

R. T. SPRAGUE,  
Chairman.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate, to whom was referred the Memorial of the Settlers of Sonoma County, and bill accompanying the same, with instructions to report the same back to the Senate this morning, ask leave to report, that they have considered the same as fully as the time allowed would permit, and now report the same back, and recommend the bill to the favorable consideration of the Senate.

R. T. SPRAGUE,  
Chairman.

Mr. Flint presented the following report:

*Mr. President :*

Your Committee on Claims have examined the bill for the relief of Edward Wohler, and find that he suffered great loss by the depredations of the escaped State Prison convicts, and recommend that proper consideration be given to the claim by the Senate.

WILSON FLINT,  
Chairman.

Mr. Crenshaw presented the following report:

*Mr. President :*

The Committee on State Prisons have had under consideration An Act to provide for the Government of the State Prison, and herewith report it back and recommend its passage.

JNO. T. CRENSHAW,  
Chairman.

H. P. HEINTZELMAN,  
G. W. COLBY.

Mr. Mandeville presented the following report:

*Mr. President :*

The Committee on Roads and Highways, to whom was referred An Act concerning Roads and Highways, beg leave to report it back to the consideration of the Senate.

J. W. MANDEVILLE.

Leave being granted, Mr. French introduced a bill for An Act to provide for the Payment of Rent for the State House.

Read first and second time, and referred to the Committee on Claims.

Senate bill No. 233, An Act granting certain Privileges to a Company to be formed under the General Law,

Read a second time, and referred to Committee on Commerce and Navigation.

Senate bill No. 133, An Act to provide for the purchase of sundry Manuscript Maps therein described.

Taken up, and,  
On motion, laid on the table.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly have, this day, passed Senate bill No. 189, An Act appropriating moneys for the benefit of the Orphan Asylum of the City of San Francisco.

Also, on yesterday, Assembly bill No. 325, An Act amendatory of an Act entitled an Act concerning Sheriffs, passed April 29, 1851.

Also Assembly bill No. 333, An Act to re-locate the County Seat of Yolo County by the qualified voters of said County.

Also Assembly bill No. 372, An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

And Senate bill No. 159, An Act to prevent the counterfeiting of Gold Dust and other species of uncoined gold.

J. W. SCOPY,

Assistant Clerk of Assembly.

April 26, 1855.

Assembly bill No. 372, An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

Read a first and second time and referred to the Committee on Counties and County Boundaries.

Assembly bill No. 333, An Act to re-locate the County Seat of Yolo County by the qualified voters of said County.

Read a first time, and objections being made,

The Chair decided that the bill could not go to a second reading.

Mr. Sprague appealed from the decision of the Chair.

The question then being, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and noes were demanded by Messrs. Sprague, McGarry and McFarland, with the following result:

AYES.

Messrs. Crenshaw, De La Guerra, Flint, Hall, Kendall, Leake, Lippincott, Mahoney, Mandeville, McCoun, McFarland, McGarry, McNeil, Moore, Norman, Stebbins and Tuttle—17.

NOES.

Messrs. Burton, Colby, French, Gove, Hawthorne, Keene, Peck, Sprague and Whiting—8.

So the decision of the Chair was sustained.

Assembly bill No. 325, An Act amendatory of an Act entitled an Act concerning Sheriffs, passed April 29, 1851.

Read a first and second time and referred to the Judiciary Committee.

The following messages were received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly have, this day, passed Senate bill No. 115, An Act concerning the Enrollment of Steamboats and other Vessels.

Also, Senate bill No. 231, An Act supplementary to an Act entitled an Act to incorporate the City of Marysville.

Also, have concurred in Senate amendments to Assembly bill No. 174, An Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854.

And adopted a Concurrent Resolution for the establishing of a Bell Buoy at Crescent City Bay in Klamath County, and respectfully ask the concurrence of the Senate.

J. W. SCOBY,

Assistant Clerk of Assembly.

April 26, 1855.

*Mr. President:*

I am directed to inform the Senate that the Assembly have this day passed Senate bill, No. —, "An Act to provide for the purchase of the San Francisco Law Library for the use of the State."

Also Assembly bill No. 299, "An act to prohibit the sale, or offering for sale of food injurious to health.

J.W. SCOBY,

Assistant Clerk of Assembly.

April 26, 1855.

*Mr. President:*

I am directed to inform the Senate that the Assembly have this day passed Senate bill No. 14, "An Act providing for the payment of officers holding elections, and for transmitting returns thereof," with amendments as therein shown.

Also, Senate Bill No. 235, "An Act supplemental to an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers," passed March 20, 1855.

Also, Senate bill No. 84, "An Act to amend an Act entitled an Act for the government and protection of Indians," passed April 22, 1850.

Also, that they have non-concurred in Senate amendments to Assembly bill No. 18, "An Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same," and having appointed a Committee of Conference, (Messrs. Ashley, Gober and Farwell,) ask that a similar committee be appointed on the part of the Senate.

J. W. SCOBY,

Assistant Clerk of Assembly.

Assembly bill No. 18, An Act to establish, support and and regulate Common Schools, and to repeal former Acts concerning the same, was taken up and a Committee of Free Conference appointed by the Chair, to confer with a like Committee on the part of the Assembly.



The Chair appointed Messrs. Kendall, Crenshaw and Mahoney as such Committee.

Assembly bill No. 299, An Act to prohibit the sale, or offering for sale, of food injurious to health, was read first and second time and referred to the Committee on Agriculture.

The following message was received from his Excellency the Governor :

EXECUTIVE DEPARTMENT,  
Sacramento, April 27, 1855. }

*To the Senate of California:*

I have this day approved the following Acts, which originated in the Senate, viz :

An Act for the Relief of Jesse Sawyer.

An Act to amend an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

An Act for the relief of John F. Hayes.

JOHN BIGLER.

Mr. Norman presented the following report:

*Mr. President:*

The Joint Committee on Enrolled bills have this day presented to the Governor for his approval, An Act concerning Public Ferries and Toll Bridges.

JAMES G. STEBBINS,  
Of Senate Committee.

*Mr. President :*

The Joint Committee on enrolled bills, report that they have examined Senate bill No. 44, for An Act concerning Public Ferries and Toll Bridges, and find the same correctly enrolled.

JAMES G. STEBBINS,  
Of Senate Committee.

H. B. MERÉDITH,  
Of House Committee.

Mr. Norman offered the following resolution which was adopted:

*Resolved,* That the Committee on Enrollment of the Senate, be allowed to employ an additional Clerk.

Mr. Burton presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed :

An Act amendatory of an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851.

Also, amendatory of an Act entiteled an Act amendatory of and supplementary to an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, (passed April 29, 1851.) passed May 18, 1854, and

Also, an Act to authorize certain Chinese Companies to sell and convey certain real estate by their superintendents.

E. F. BURTON.

Mr. Peck presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed An Act to provide for the Payment of State Prison Inspectors.

E. T. PECK,  
Of Committee.

The Senate took up Senate bill No. 175, An Act to fix the Times for holding the Terms of the District Court in the Tenth Judicial District, and substituted Senate bill No. 227, An Act to amend an Act to fix the Times for holding the Terms of the District Courts throughout the State, passed May 18, 1855.

Referred to a select Committee of three.

The Chair appointed Messrs. Sprague, Burton and Scellen as such Committee.

Mr. Colby presented the following report:

*Mr. President:*

The select Committee have had under consideration Senate bill No. 238, An Act amendatory of an Act to fund the Floating Debt of Sacramento County, passed April 13, 1854, report the same back and recommend its passage without amendment.

G. W. COLBY,  
A. S. GOVE.

Mr. Hawks moved to re-consider the vote by which Senate bill No. 237, An Act to provide for the Payment of Volunteers in an Expedition against the Clear Lake Indians, in the year 1851, was lost.

Upon the motion to re-consider,

The ayes and noes were demanded by Messrs. Tuttle, Hawks and Leake, with the following result:

AYES.

Messrs. Burton, Crenshaw, Day, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Leake, Lippincott, McCoun, McGarry, Moore and Norman—15.

NOES.

Messrs. Colby, Hall, Hook, Keene, Mahoney, McFarland, McNeil, Sprague, Stebbins, Tuttle and Whiting—11.

So the Senate agreed to re-consider the vote.  
 Mr. Whiting moved a call of the Senate.  
 Agreed to.

The following members were found absent without leave :

Messrs. Hook, May, Peck and Rust.

On motion of Mr. Sprague, further proceedings under the call were suspended.

On the final passage of the bill, it was lost by the following vote:

AYES.

Messrs. Burton, French, Gove, Hall, Hawks, Heintzelman, Leake, Mandeville, McCoun, McGarry and Scellen—11.

NOES.

Messrs. Colby, Crenshaw, Day, De La Guerra, Hawthorne, Hook, Keene, Kendall, Lippincott, Mahoney, McFarland, McNeil, Moore, Norman, Sprague, Stebbins, Tuttle and Whiting—18.

On motion of Mr. Whiting, the Senate took up Senate bill No 145, entitled An Act to provide for settling the Boundary Line between the Counties of Santa Cruz, Santa Clara and San Francisco.

Read a third time and passed.

Mr Tuttle moved to take up Senate bill No. 210, An Act to appropriate Money to Incorporated Colleges.

The ayes and noes were demanded by Messrs. Tuttle, Day and Colby, with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, Gove, Hawks, Mandeville, Stebbins, Tuttle and Whiting—10.

NOES.

Messrs. French, Heintzelman, Hook, Keene, Kendall, Mahoney, McCoun, McFarland, McNeil, Norman, Peck, Scellen and Sprague—13.

Mr. Hawks presented the following report:

*Mr. President:*

The Judiciary Committee, to whom was referred Senate bill No. 204, for An Act to amend section third of an Act entitled an Act concerning Divorces, passed March 25, 1851, have had the same under consideration, and instruct me to report it back to the Senate, recommending its passage without amendment.

W. W. HAWKS,  
 Of Committee.

Mr. French moved to take up Senate bill No. 152, An Act to amend an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

After some time spent therein, rose, reported the bill back, recommending its passage as adopted.

The bill was then considered.

Amendments of Committee concurred in.

Read a third time and passed.

On motion of Mr. Mandeville, the Senate, as in Committee of the Whole, took under consideration Assembly bill No. 170, entitled An Act concerning Roads and Highways.

After some time spent therein, Committee rose, reported the bill back with amendments, recommending its passage as amended.

The bill was read a third time and passed.

Mr. Peck presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed An Act to appropriate Money to enable the Trustees of the Insane Asylum to build a Dining Room, Bath House and Kitchen for the Main Building of the same.

E. T. PECK,  
Of Committee.

Mr. Whiting moved to take up Senate bill No. 143, An Act to provide for the Selection of Lands donated by the United States to the State of California for the Support of Common Schools and for the Erection of Public Buildings, and substitute for the same, entitled Senate bill No. 192, with same title.

The substitute was adopted.

On the final passage of the substitute,

The ayes and noes were demanded by Messrs. Peck, Leake and French, with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Keene, McFarland, McGarry, McNeil, Scellen, Sprague and Whiting—17.

NOES.

Messrs. Leake, Mandeville, Moore, Peck, Rust, Stebbins, and Tuttle—7.

Mr. Peck moved to take up Senate bill No. 221, An Act to amend an Act concerning the per diem of the Senate and Assembly.

The ayes and noes were demanded by Messrs. Peck, May and Leake, with the following result:

AYES.

Messrs. De La Guerra, Flint, French, Gove, Hall, Hawthorne, Kendall, Leake, Mandeville, May, McCoun, McGarry, Moore, Peck, Rust, Scellen and Tuttle—17.



## NOES.

Messrs. Burton, Crowder, Day, Hawks, Heinzelman, Hook, Keene, Mahoney, McFarland, McNeil, Newman, Sprague, Stebbins and Whiting—14.

Mr. Mandeville moved that the same be indefinitely postponed.

The question was demanded by Messrs. Mandeville, Burton and Keene, with the following result:

## AYES.

Messrs. Burton, Crowder, Day, De La Guerra, Elliot, French, Gann, Hawks, Heinzelman, Heinzelman, Hook, Keene, Leake, Mahoney, Mandeville, McFarland, McNeil, Newman, Sprague, Stebbins, Turtle and Whiting—22.

## NOES.

Messrs. Hall, Kendall, May, McLeod, McGarry, Moore, Paul, Rust and Sullivan—9.

So the bill was indefinitely postponed.

The Senate then took up Senate bill No. 55, An Act to amend An Act entitled an Act to provide for the Formation of Corporations for certain Purposes passed April 14, 1853.

Read a third time and passed.

Mr. Kendall presented the following report:

*Mr. President :*

The Joint Select Committee of the Senate and Assembly, appointed to examine and destroy the evidence of infidelity submitted and sanctioned by the State Treasurer heretofore, beg leave to report that the following sums were placed in the hands of your Committee by S. A. M. Means, State Treasurer, and the same was destroyed by us during the month of April, A. D. 1855:

Civil Bonds of 1852—49 of \$500 each signed by John Bigler, -	\$24,500 00
“ “ 46 of 1000 “ “ -	46,000 00
War Bonds of 1852—12 of 250 “ “ -	3,000 00
“ “ 72 of 100 “ “ -	7,200 00
“ “ 18 of 500 “ “ -	9,000 00
12 $\frac{3}{4}$ ¢. “ 279 of 1000 “ Jno. McDougal, -	279,000 00
Civil Bonds of 1851— 5 of 500 “ “ -	2,500 00
“ “ 3 of 500 “ John Bigler, -	1,500 00
“ 1852— 8 of 500 “ “ -	4,000 00
“ “ 9 of 1000 “ “ -	9,000 00
War Bonds “ 68 of 1000 “ “ -	68,000 00
Tem. S. L. B. “ 7 of 1000 “ “ -	7,000 00
“ “ 4 of 500 “ “ -	2,000 00
“ “ 4 of 225 “ “ -	900 00
Amount of Warrants redeemed, (examined and destroyed), -	1,023,916 76
Amt. of Bonds issued under Act of April, 1851, (ex'd and des'd),	17,500 00
Temporary State Loan Bonds, “	325 00
War Warrants redeemed, “	41,973 35
Redeemed Warrants Board of Education, “	90,690 01
	<hr/>
	\$1,636,005 12

Defaced Land Warrants:—5 of 160 each; 10 of 320 acres each.

Also, Land Warrants signed and not issued:—29 of 160 acres each, examined and destroyed.

Amount of redeemed Bonds, Coupons, Warrants, etc., remaining in the Treasury not examined or destroyed:

Of Coupons, - - - - -	\$ 15,000
Temporary State Loan Bonds, - - - - -	2 or 300,000
State Prison Bonds, - - - - -	100,000
State Bonds of 1851, - - - - -	100,000
Warrants, - - - - -	3,000,000

Your Committee would further recommend that the Governor and Secretary of State be empowered and instructed to examine or cause to be examined by some competent person or persons, and superintend the destruction of the above remaining evidences of State indebtedness.

All of which is respectfully submitted,

THOS. KENDALL,  
Chairman.

JNO. D. SCLELEN,  
WILSON FLINT.

The hour for the special order of the day having arrived, Assembly bill No. 366, An Act to provide for the Government of the State Prison.

Mr. Norman moved that it be made the special order for 2 o'clock, P. M.

Upon which the ayes and noes were demanded by Messrs. Tuttle, Norman and Leake with the following result:

AYES.

Messrs. Burton, Day, Mandeville, McNeil, Norman, Scellen, Sprague and Tuttle—9.

NOES.

Messrs. Colby, Crenshaw, De La Guerra, Flint, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Leake, Lippincott, Mahoney, May, McCoun, McFarland, McGarry, Peck, Rust and Stebbins—22.

Senate bill No. 222, a bill for an Act amendatory of an Act entitled an Act concerning Corporations, passed April 22, 1850.

Taken up.

On the final passage of the bill, the ayes and noes were demanded by Messrs. McGarry, Norman and Peck, with the following result:

AYES.

Messrs. Crenshaw, Day, French, Gove, Hawthorne, Heintzelman, Hook, Keene, Leake, Lippincott, McNeil, Norman, Scellen, Sprague and Tuttle—15.

NOES.

Messrs. Burton, Flint, Hawks, May, McCoun, McGarry, Peck and Rust—8.

Senate bill No. 223, An Act amendatory of an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April 14, 1853.

Taken up.

Read a third time and passed.

Mr. McFarland offered the following resolution:

*Resolved*, That the business upon the President's table be taken up according to its position, and that all business merely of a local character shall first be disposed of.

Lost.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly, on the 25th inst., passed the following bills:

Assembly bill No. 199, An Act granting James L. Graves and Thos. C. Burton, and such others as they may associate with them, the right to construct a Toll-Bridge across the American River at or near Mississippi Bar.

Assembly bill No. 311, An Act concerning Logs and Timber floated up streams of the State.

Also, on yesterday, passed Assembly bill No. 265, An Act to establish the Salaries of the Judges of the Thirteenth, Fourteenth and Fifteenth Judicial Districts, and to define the times of holding Courts in said Districts.

Assembly bill No. 150, An Act to authorize the prosecution of Suits in the name of the State of California to recover lands belonging to the State and held adversely by other persons.

Assembly bill No. 348, An Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the Estates of Deceased Persons, passed May 1, 1851.

Assembly bill No. 357, An Act to Fund the Debt of the County of Yolo and provide for the payment of the same, which accrued from and after the first day of January, 1853, to the first day of April.

Respectfully submitted,

J. W. SCOBY,

Assistant Clerk of Assembly.

April 27, 1855.

Assembly bill No. 311, entitled an Act concerning Logs and Timber floated upon streams of this State.

Read a first and second time and referred to the Committee on Mines and and Mining Interests.

Assembly bill No. 348, entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the Estates of Deceased Persons, passed May 1, 1851.

Read first and second time and referred to the Committee on the Judiciary.

Assembly bill No. 199, entitled an Act granting James L. Graves and Thos. C. Burton, and such others as they may associate with the them, the right to construct a Toll-Bridge across the American River at or near the Mississippi Bar.

Read a first and second time, and, .

On motion of Mr. Tuttle, was rejected.

Assembly bill No. 357, entitled an Act to Fund the Debt of the County of Yolo, and provide for the payment of the same, which accrued from and after the first day of January, 1853, to the first day of April, 1855.

Read a first and second time and referred to the Senator from Napa.

Assembly bill No. 150, entitled an Act to authorize the prosecution of Suits in the name of the State of California to recover Lands belonging to the State and held adversely by other persons.

Read a first and second time and referred to the Judiciary Committee.

Assembly bill No. 265, An Act to establish the Salaries of the Judges of the Thirteenth, Fourteenth and Fifteenth Judicial Districts, and to define the times of holding Courts in said Districts.

Taken up.

Amended.

Read a third time and passed.

Assembly concurrent resolution for the Establishment of a Bell Buoy at Crescent City Bay, Klamath County, was taken up.

Concurred in.

Senate bill No. 119, An Act to provide for the Payment of State Prison Inspectors was taken up.

On its final passage, the ayes and noes were demanded by Messrs. Burton, French and Hook, with the following result:



## AYES.

Messrs. Colby, Day, Flint, French, Gove, Hawks, Lippincott, Mahoney, May, McFarland, McGarry, Moore, Peck, Rust, Scellen, Sprague, Stebbins—17.

## NOES.

Messrs. Burton, Crenshaw, De La Guerra, Hawthorne, Hook, Keene, McNeil—6.

On motion of Mr. McFarland, the Senate took up Assembly bill No. 242, An Act to fund the Debt of the County of San Diego, and provide for the Payment of the same.

Bill considered, read a third time, amended and passed.

On the motion of Mr. Hawks, the Senate took up Senate bill No. 155, A Bill for the Relief of R. G. Crozier.

Mr. Burton moved that the same be indefinitely postponed.

Lost.

On the final passage of the bill, the ayes and noes were demanded by Messrs. McFarland, Crenshaw and Burton, with the following result:

## AYES.

Messrs. Day, Flint, French, Gove, Hall, Kendall, McNeil, Moore—8.

## NOES.

Messrs. Burton, Crenshaw, De La Guerra, Hawks, Hawthorne, Keene, May, McFarland, McGarry, Norman, Peck, Scellen, Tuttle, Whiting—12.

Mr. Hawks gave notice that he would, on to-morrow, move a re-consideration of the vote just taken.

The Senate then took up Senate bill No. 240, An Act to provide for a Contingent Fund for the Arrest of Fugitives from Justice.

Mr. McGarry moved that the bill be indefinitely postponed.

The ayes and noes were demanded by Messrs. French, May and Heintzelman, with the following result:

## AYES.

Messrs. Burton, Crenshaw, Kendall, Mandeville, McCoun, McFarland, McGarry, Moore, Whiting—9.

## NOES.

Messrs. French, Gove, Hall, Hawthorne, Heintzelman, Hook, Keene, Lippincott, May, McNeil, Peck, Scellen, Sprague, Tuttle—13.

On the final passage of the bill, the ayes and noes were demanded by Messrs. French, McGarry and McFarland, with the following result:

AYES.

Messrs. French, Gove, Hall, Hawthorne, Heintzelman, Hook, Keene, Lippincott, May, McCoun, McNeil, Sprague, Tuttle—13.

NOES.

Messrs. Burton, Crenshaw, Mandeville, McFarland, McGarry, Moore, Scellen, Whiting—8.

Mr. Moore presented the following majority report from the Finance Committee :

*Mr. President:*

The Finance Committee, to whom was referred Assembly bill No. 340, providing for annulling the contract at present existing between the State of California and James M. Estill, Lessee of the State Prison, report that they have had the same under consideration, and return the same to the Senate without recommendation.

E. J. MOORE,  
Chairman.

Mr. Burton presented the following minority report from the Committee on Finance :

*Mr. President:*

A minority of your Committee, to whom was referred Assembly bill No. 340, providing for annulling the contract at present existing between the State of California and James M. Estill, Lessee of the State Prison, report the same back, and recommend its indefinite postponement.

E. F. BURTON.

The especial order of the day, Assembly bill No. 340, An Act to provide for annulling the Contract at present existing between the State of California and James M. Estill, Lessee for the keeping of the State Prison convicts, made under an Act entitled an Act to provide for securing the State Prison Convicts, passed April 25, 1851, and an Act entitled an Act in relation to the State Prison Convicts, passed April 10, 1852.

Taken up and considered as in Committee of the Whole.

Mr. Scellen moved a call of the Senate.

Agreed to.

The following Senators were found absent without leave:

Messrs. Colby, Crenshaw, Day, De La Guerra, Flint, Hawks, Kendall, Mahoney, May, Rust and Stebbins.

Mr. French moved that further proceedings under the call be dispensed with.  
Carried.

Mr. Burton called Senator McFarland to order for violating the resolution adopted by the Senate on yesterday, restricting Senators to speak but five minutes on any one subject.

Mr. Tuttle rose to a point of order, that the Senate had no power by a simple resolution, to make a rule for the government of the Senate.

The President decided the point of order well taken.

Mr. Whiting appealed from the decision of the Chair.

The question then being, shall the decision of the Chair stand as the judgment of the Senate?

The ayes and noes were demanded by Messrs. Leake, Whiting and Tuttle with the following result:

#### AYES.

Messrs. Colby, Crenshaw, Day, De La Guerra, Flint, French, Hook, Lippincott, Mahoney, Mandeville, May, McGarry, McNeil, Norman and Tuttle—15.

#### NOES.

Messrs. Burton, French, Hall, Hawthorne, Heintzelman, Keene, Kendall, Leake, McCoun, Peck, Sprague, Stebbins and Whiting—13.

On motion of Mr. McFarland, the Committee rose and reported the bill back to the Senate.

Mr. Burton moved to strike out Civil Bonds, where it occurs in Section 1st.

The ayes and noes were demanded by Messrs. McFarland, Lippincott and Burton, with the following result:

#### AYES.

Messrs. Burton, Flint, Kendall, Lippincott, Mandeville, McFarland, Norman, Scellen and Sprague—9.

#### NOES.

Messrs. Colby, Crenshaw, De La Guerra, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Leake, Mahoney, May, McCoun, McGarry, Moore, Peck, Stebbins and Whiting—20.

So the amendment was lost.

Mr. Flint offered the following amendment to Section 11.

Amended by inserting, after convict labor, "and also all quarries and brick-yards."

Mr. Leake moved the previous question.

Mr. Scellen moved a call of the Senate.

Carried.

Before sending the Sergeant-at-Arms after the absentees the call was suspended.

The question on sustaining the previous question was carried.

The question then being, shall the main question now be put?

The ayes and noes were demanded by Messrs. Scellen, Mahoney and McFarland, with the following result:

AYES.

Messrs Colby, Crenshaw, Flint, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Keene, Kendall, Leake, May, McCoun, McGarry, Peck, Rust, Stebbins and Whiting—19.

NOES.

Messrs. Burton, De La Guerra, Hook, Lippincott, Mahoney, Mandeville, McFarland, McNeil, Moore, Norman, Scellen and Sprague.

The main question then being on the amendment offered by Mr. Flint.

The ayes and noes were demanded by Messrs. Norman, Scellen and Flint with the following result:

AYES.

Messrs. Burton, Flint, Kendall, Lippincott, Mandeville, McFarland, McNeil, Norman, Scellen and Sprague—10.

NOES.

Messrs. Colby, Crenshaw, De La Guerra, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Keene, Leake, May, McCoun, McGarry, Moore, Peck, Rust, Stebbins and Whiting—19.

So the amendment was lost,

On the motion that the bill do now have its third reading, the ayes and noes were demanded by Messrs. Mandeville, Sprague and Scellen, with the following result:

AYES.

Messrs. Colby, Crenshaw, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Keene, Kendall, Leake, May, McCoun, McGarry, Peck, Rust, Stebbins and Whiting—18.

NOES.

Messrs. Burton, De La Guerra, Flint, Lippincott, Mahoney, Mandeville, McFarland, McNeil, Moore, Norman, Scellen and Sprague—11.

On the final passage of the bill the ayes and noes were demanded by Messrs. Kendall, Scellen and Mahoney, with the following result:

AYES.

Messrs. Colby, Crenshaw, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Keene, Kendall, Leake, May, McCoun, McGarry, Peck, Stebbins and Whiting—17.



## NOES.

Messrs. Burton, Day, De La Guerra, Flint, Hook, Lippincott, Mahoney, Mandeville, McFarland, McNeil, Moore, Norman, Rust, Scellen, Sprague and Tuttle—16.

Mr. Mandeville moved to adjourn.

The ayes and noes were demanded by Messrs. Mahoney, Sprague and McFarland, with the following result:

## AYES.

Messrs. Burton, Colby, De La Guerra, Flint, Hall, Hawthorne, Hook, Keene, Kendall, Leake, Mahoney, Mandeville, McFarland, Sprague, Stebbins, Tuttle and Whiting—18.

## NOES.

Messrs. Crenshaw, Day, French, Gove, Hawks, Heintzelman, Lippincott, May, McCoun, McGarry, McNeil, Moore, Norman, Peck, Rust and Scellen—16.

So the Senate adjourned.

SAM. PURDY,  
President of Senate.

C. DICKINSON,  
Secretary of Senate.

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IN SENATE.

SATURDAY, April 28, 1855.

Senate met pursuant to adjournment.  
President in the chair.

Mr. McGarry presented a petition of the residents of Yolo, regarding the removal of the County Seat.

Read and laid upon the table.

Mr. Leake returned to the Senate sundry petitions which had been referred during the session to the Committee on Counties and County Boundaries.

Mr. Norman asked the consent of the Senate to have the following protest entered on the Journal against the passage of Assembly bill No. 340, An Act to provide for annulling the Contract at present existing between the State of California and James M. Estill, Lessee for the keeping of the State Prison

Convicts, made under an Act entitled an Act to provide for securing the State Prison Convicts, passed April 25, 1851, and an Act entitled an Act in relation to State Prison Convicts, passed April 10, 1852:

I protest against the passage of this bill because it violates, in letter and spirit, the eighth Article of the Constitution of this State.

W. B. NORMAN.

Granted unanimously.

Mr. Norman presented the following report :

*Mr. President :*

The Joint Committee on Enrolled Bills have examined and found correctly enrolled, the following bills:

Senate bill No. 235, for an Act supplemental to an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March 20, 1855.

Senate bill No. 115, for an Act concerning the Enrollment of Steamboats and other Vessels.

Senate bill No. 159, An Act to prevent the counterfeiting of Gold Dust and other species of uncoined gold.

Also, An Act appropriating moneys for the benefit of the Orphan Asylums of the City of San Francisco.

W. B. NORMAN,  
Chairman.

Mr. Norman submitted the following report:

*Mr. President :*

The Joint Committee on Enrollment have this day presented to the Governor, for his signature, the following Acts, viz:

An Act supplemental to an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March 25, 1855.

An Act concerning the Enrollment of Steamboats and other Vessels.

An Act to prevent the counterfeiting of Gold Dust and other species of uncoined gold.

An Act appropriating moneys for the benefit of the Orphan Asylums of San Francisco.

W. B. NORMAN,  
Chairman.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed,

An Act to amend an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April 14, 1853.

G. W. COLBY,  
Chairman.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed, a bill for an Act amendatory of an Act entitled an Act concerning Corporations, passed April 22, 1850.

Also, An Act amendatory of an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April 14, 1853.

G. W. COLBY,  
Committee.

Mr. Colby presented the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed, An Act to provide for a Contingent Fund for the arrest of Fugitives from Justice.

G. W. COLBY,  
Chairman.

A bill entitled an Act governing the operation of Judgments of Dispossession in all Actions of Ejectments brought against actual Settlers on any lands in the State of California.

Read a first time and laid over under the rule.

Mr. Sprague presented the following report: "

*Mr. President :*

The Select Committee, to whom was referred Assembly bill No. 332, and Senate substitute No. 227, for an Act to amend an Act entitled an Act to fix the times for holding the District Courts throughout this State, passed May 18, 1853, have considered the same, and now ask leave to report that a bill having passed fixing the times for holding the Courts in the Thirteenth, Fourteenth and Fifteenth Districts, your Committee recommend the passage of the Senate substitute as amended in Committee of the Whole Senate.

R. T. SPRAGUE,  
Chairman.

Mr. McGarry presented the following report:

*Mr. President:*

The Committee on Contingent Expenses, to whom was referred Assembly bill No. 376, An Act to provide for the payment of the amount remaining due for Express Charges for the Fifth Session of the Legislature of this State, have had the same under consideration, and have instructed me to report the same back, without amendments, and recommend the passage of the bill.

All of which is respectfully submitted.

EDW. MCGARRY,  
Chairman.

Mr. Flint presented the following report:

*Mr. President:*

Your Committee on Claims have had the bill to authorize the authorities of the City of San Diego to convey to the Gila Railroad Company two leagues of the Pueblo Lands, and beg leave to report it back and recommend its indefinite postponement.

WILSON FLINT,  
Chairman.

The following message was received from his Excellency the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, April 26, 1855. }

*To the Senate of California :*

I have this day approved an Act which originated in the Senate, viz :

An Act making appropriations to defray the ordinary Civil Expenses of the Government of this State from the first day of February, A. D., 1855, to the first day of February, A. D., 1856.

JOHN BIGLER.

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly passed, this day, Assembly bill No. 383, An Act to authorize the Controller of State to issue a Duplicate War Loan Warrant.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 383, An Act to authorize the Controller of State to issue a Duplicate War Loan Warrant.

Read first and second time and referred to Committee on Claims.



The following message was received from the Assembly:

*Mr. President:*

The Assembly have refused to concur in Senate amendment to Assembly bill No. 352, An Act to Establish a permanent Boundary Line between the Counties of Stanislaus and Tuolumne, and request the Senate to recede from the same: and have appointed, as Committee of Free Conference, on the part of the House, upon the disagreeing vote of the two Houses upon Senate bill No. 39, Messrs. Edwards, Ryland and Burke.

Also, have passed Senate bill No. 212, An Act to provide for funding the Floating Debt of the City of Marysville and for the Extinguishment thereof.

J. W. SCOBEEY,  
Assistant Clerk Assembly.

The Senate took up Assembly bill No. 352, An Act to establish a permanent Boundary Line between Stanislaus and Tuolumne.

Mr. Mandeville moved that the bill be indefinitely postponed.

On the motion that the Senate recede from the amendments to the same, the same,

The ayes and noes were demanded by Messrs. Kendall, French and Mandeville with the following result:

AYES.

Messrs. Colby, French, Hawthorne, Keene, Leake, Lippincott, McConn, McNeil, Peck, Scellen, Stebbins, Tuttle and Whiting—13.

NOES.

Messrs. Burton, Crenshaw, Flint, Gove, Hall, Kendall, Mahoney, Mandeville, May, McGarry, Norman, Rust and Sprague—13.

There being a tie vote, the President decided in the negative.  
So the Senate refused to recede.

Mr. McGarry presented the following report:

*Mr. President:*

The undersigned, to whom was referred Assembly bill No. 357, An Act to fund the Debt of the County of Yolo and provide for the Payment of the same, which accrued from and after the first day of January, 1853, to the first day of April, 1855, has had the same under consideration, reports the same back with an amendment, asks the adoption of the amendment and the passage of the bill.

All of which is respectfully submitted,

ED. MCGARRY,

On motion of Mr. Burton, the Senate took up Assembly bill No. 280, An Act to authorize the Working of County Convicts in Sacramento County.

Read a third time and passed.

Mr. Moore moved to take up Assembly bill No. 6, An Act to re-incorporate the City of San Francisco.

The ayes and noes were demanded by Messrs. Mahoney, McGarry and Heintzelman, with the following result:

AYES.

Messrs. Burton, Gove, Hall, Hawthorne, Leake, Mandeville, May, McCoun, McGarry, Moore, Norman, Peck, Scellen, Sprague, Tuttle and Whiting—16.

NOES.

Messrs. Colby, Crenshaw, Day, Flint, French, Heintzelman, Hook, Keene, Kendall, Mahoney, McFarland, McNeil, Rust and Stebbins—14.

Mr. Moore moved that the same be made the special order for one o'clock, P. M.

Agreed to.

Assembly bill No. 366, An Act to provide for the Government of the State Prison.

Read a third time.

On its final passage,

The ayes and noes were demanded by Messrs. Sprague, Peck and May, with the following result:

AYES.

Messrs. Colby, Crenshaw, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Keene, Leake, Lippincott, May, McCoun, McGarry, Moore, Peck, Rust, Stebbins and Whiting—21.

NOES.

Messrs. Burton, Hook, Mahoney, Mandeville, McFarland, McNeil, Scellen, Sprague and Tuttle—9.

Mr. Day presented the following report:

*Mr. President:*

The Committee on Internal Improvements, to whom was referred Assembly bill No. 353, An Act to provide for the Improvement of the Wagon Road from the Eastern Boundary of the State, through the Cajon Pass to San Pedro, in Los Angeles County, have had the same under consideration, and report it back for the consideration of the Senate and recommend that the following amendments be adopted.

In section one, strike out the first four lines and insert the following:

"The Board of Supervisors of San Bernardino is hereby authorized."

Also, strike out "San Pedro, in Los Angeles County," and insert "to the southern end thereof;" so that it shall read, "through the Cajon Pass to the southern end thereof."

In the second, third, fourth and fifth sections, strike out the word "Commissioners," wherever it occurs, and insert "Supervisors."

In the sixth section, strike out the first four lines and insert "the said Supervisors shall be paid."

In recommending the adoption of these amendments, the Committee would respectfully refer the Senate to the fourth page of their printed report on the subject of Wagon Roads across the Sierra Nevada, in which they have adopted the principle or rule that the State should not expend money upon roads in the settled and civilized portions of the State, but should leave such roads to be improved at the expense of the inhabitants of each respective locality; while the State may properly expend money, to a moderate amount, in improving roads across the Sierra Nevada and the adjoining deserts, within the boundaries of the State, for the purpose of encouraging immigration.

The Committee have also had under consideration Assembly bill No. 349, An Act to provide for the Survey and Construction of a Wagon Road, and for the Sinking of Wells on the same, from the Colorado River to the Bay of San Diego, and report the same back for the consideration of the Senate.

By order of the Committee,

S. DAY,  
Chairman.

Assembly bill No. 333. An Act to re-locate the County Seat of Yolo County by the Qualified Voters of said County,

Read a second time, and objection being made, laid over under the rule.

Mr. Hook presented the following resolution :

*Resolved*, (By the Senate, the Assembly concurring.) the Legislature do adjourn *sine die*, on the 7th of May, next, at 12 M. : and be it further

*Resolved*, That the concurrent resolution fixing the time of the adjournment of the Legislature on Monday, the 30th of April, inst., be and the same is hereby rescinded.

Mr. McFarland moved that the resolution be indefinitely postponed.

Mr. McFarland demanded the previous question.

Sustained.

The question then being, Shall the main question now be put ?

Decided in the affirmative.

On the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Burton, McFarland and French, with the following result :

AYES.

Messrs. Burton, Day, Flint, Hall, Hawks, Lippincott, Mahoney, McFarland, McNeil, Moore, Norman, Rust, Scellen and Sprague—14.

NOES.

Messrs. Colby, Crenshaw, French, Gove, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McCoun, McGarry, Peck, Stebbins, Tuttle, and Whiting—15.

Mr. McFarland moved that the resolution be laid on the table

The ayes and noes were demanded by Messrs. Hawks, McFarland and Lippincott, with the following result :

AYES.

Messrs. Burton, Day, Flint, Hawks, Lippincott, Mahoney, McFarland, McNeil, Moore, Norman, Rust, Scellen, Sprague, Stebbins and Whiting—15.

NOES.

Messrs. Colby, Crenshaw, French, Gove, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McCoun, McGarry, Peck and Tuttle—16.

So the motion was lost.

Mr. McFarland moved a call of the Senate.

Lost.

Mr. Tuttle demanded the previous question.

Sustained.

The question then being, shall the main question now be put ?

Decided in the affirmative.

The question recurred on the final passage of the resolutions.

The ayes and noes were demanded by Messrs. May, McFarland and Kendall, with the following result :

AYES.

Messrs. Colby, Crenshaw, French, Gove, Hall, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McCoun, McGarry, Peck and Tuttle—17.

NOES.

Messrs. Burton, Day, Flint, Hawks, Lippincott, Mahoney, McFarland, McNeil, Moore, Norman, Rust, Scellen, Sprague and Stebbins—16.

So the resolution was adopted.

According to previous notice, Mr. Day introduced a bill, entitled An Act supplementary to an Act to provide for the Survey and Construction of a Wagon Road across the Sierra Nevada, and to provide for taking a vote of the people on the issue of State Bonds for that purpose.

Mr. Whiting offered the following resolution :

*Resolved*, That no new business be received in the Senate, except messages from the Assembly and the Governor, after one o'clock, P. M. of this day, except by unanimous consent.

Adopted.

Mr. Gove moved to take up Senate bill No. 87, An Act authorizing P. B. Redding and others to improve and exclusively navigate the Sacramento River, between Red Bluffs and Clear and Middle Creeks.

Agreed to.

Mr. Norman moved a call of the Senate.

Agreed to.



The following Senators were then found absent :

Messrs. De La Guerra, Flint, French, Gove, Hall, Hawthorne, Heintzelman, Hook, Kendall, Leake, Lippincott, Mahoney, Moore, Rust, Scellen, Stebbins and Whiting.

Mr. Crenshaw moved that further proceedings under the call be dispensed with.  
Lost.

On motion that the call be temporarily suspended,

Agreed to.

By leave, Mr. Hawks presented the following bill :

An Act amendatory of an Act entitled an Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the Payment of the same, passed May 1, 1854.

Read first time, and laid over under the rule.

Leave being granted, Mr. Day presented An Act to authorize the Supervisors of the County of Alameda to re-assess the Taxes remaining unpaid in said County for the year 1854.

Read first and second time, and referred to the delegation from Alameda.

On motion of Mr. Burton, further proceedings under the call were dispensed with.

The bill was then read a third time.

On its final passage,

The ayes and noes were demanded by Messrs. Tuttle, Whiting and Crenshaw, with the following result :

AYES.

Messrs. Colby, Hall, Keene, Lippincott, Mahoney, May, McCoun, McGarry, Moore, Peck and Sprague—11.

NOES.

Messrs. Burton, Crenshaw, Flint, French, Hawthorne, Mandeville, McNeil, Norman, Rust and Tuttle—10.

Mr. Peck gave notice that he would, at an early hour, introduce a bill for An Act to provide for the construction of a Telegraph Line from Marysville to Crescent City.

Mr. Norman presented the following resolution:

*Resolved*, That the Door-keeper of the Senate be requested to keep all persons except the members and officers of the Legislature, outside of the bar of the Senate, unless the President shall otherwise direct.

Adopted.

The following Message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly have this day concurred in Senate amendments to Assembly bill No. 18, An Act to establish, support and regulate Common Schools, and to repeal former Acts concerning the same, except the last amendment to section 22, and the amendment to section 34, and respectfully request the Senate to recede from the same.

J. W. SCOPY,

Assistant Clerk of Assembly.

April 27, 1855.

- Mr. Day moved that the Senate recede from amendments to Assembly bill No. 18. Carried.

The following messages were received from the Assembly:

*Mr. President :*

The Assembly have this day passed the following bills:

Senate Bill No. 126, An Act to compensate Mrs. Sarah Staples, teacher of the pioneer school of the County of Tuolumne.

Senate bill No. 234, An Act to provide for the payment of the salary of the District Attorney of the County of San Francisco.

J. W. SCOPY.

Assistant Clerk of Assembly.

April 28, 1855.

*Mr. President:*

The Assembly have this day passed Senate bill No. 171, An Act to discourage the immigration to this State, of persons who cannot become citizens thereof.

J. W. SCOPY,

Assistant Clerk of Assembly.

April 28, 1855.

*Mr. President:*

The Assembly bill No. 385, An Act explanatory of an Act entitled an Act regulating Marriages, passed April 22, 1850.

Also Assembly bill No. 387, An Act entitled an Act amendatory of an Act to fund the debt of Contra Costa County, and to provide for the payment of the same.

J. W. SCOPY,

Assistant Clerk of Assembly.

April 28, 1855.

Mr. Burton offered the following resolution:

*Resolved*, That the State Printer be authorized to print 1000 copies of the Reve-

nue Law, passed at the present session of the Legislature, to be distributed equally among Senators.

Adopted.

Assembly bill No. 385, An Act explanatory of an Act entitled an Act regulating Marriages, passed April 22, 1850.

Taken up, read first and second time and re-ferred to the Judiciary Committee.

The following Message was received from the Assembly:

*Mr. President:*

The Assembly have non-concurred in Senate amendment to Assembly bill No. 242, An Act to Fund the Debt of the County of San Diego, and provide for the payment of the same, and ask the Senate to recede from the same.

J. W. SCOBY,

Assistant Clerk of Assembly.

April 28, 1855.

Assembly bill No. 242, An Act to fund the Debt of the County of San Diego, and provide for the Payment of the same, was, on motion, referred to a Committee of Conference.

The Chair appointed Messrs. McCoun, Rust and McGarry as such Committee.

Mr. Mahoney moved to re-consider the vote by which the Senate receded from its amendment to Assembly bill No. 18, concerning Public Schools

The ayes and noes were demanded by Messrs. Mahoney, Hawks and May, with the following result:

AYES.

Messrs. Crenshaw, De La Guerra, Hall, Hawks, Heintzelman, Hook, Kendall, Lippincott, Mahoney, Mandeville, McFarland, McGarry, McNeil, Moore, Norman, Rust and Whiting.—17.

NOES.

Messrs. Burton, Colby, Day, Flint, French, Gove, Hawthorne, Keene, May, McCoun, Peck, Scellen, Sprague and Tuttle—14.

Upon the motion to recede,

The ayes and noes were demanded by Messrs. Tuttle, McNeil and Hawks, with the following result:

AYES.

Messrs. Burton, Colby, Day, Flint, French, Gove, Hawthorne, Hook, Keene, May, Peck, Scellen, Sprague and Tuttle—14.

NOES.

Messrs. Crenshaw, De La Guerra, Hall, Hawks, Heintzelman, Kendall, Lippincott, Mahoney, Mandeville, McCoun, McFarland, McGarry, Moore, Norman, Rust and Whiting—16.

Mr. Norman presented the following report :

*Mr. President:*

The Joint Committee on Enrollment have this day presented to the Governor for his signature the following Acts :

An Act amendatory of an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851; and also amendatory of An Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, passed May 15, 1854.

An Act supplementary to an Act entitled an Act to incorporate the City of Marysville.

An Act to provide for the purchase of the San Francisco Law Library, for the use of the State.

An Act to amend an Act entitled an Act for the Government and Protection of Indians, passed April 22, 1850.

W. B. NORMAN,  
Chairman.

*Mr. President:*

The Joint Committee on Enrollment have examined and find correctly enrolled the following bills :

Senate bill for An Act amendatory of an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851; and also amendatory of An Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, passed May 15, 1854. also,

Senate bill for An Act supplementary to an Act entitled an Act to incorporate the City of Marysville. Also,

Senate bill for An Act to provide for the Purchase of the San Francisco Law Library, for the use of the State. Also,

Senate bill for An Act to amend an Act entitled an Act for the Government and Protection of Indians, passed April 22, 1850.

W. B. NORMAN,  
Chairman.

Assembly bill No. 6, An Act to incorporate the City of San Francisco.

Taken up and considered as in Committee of the Whole, and after some time spent therein, the Committee rose and reported the bill back to the Senate, and reported progress, and asked leave to sit again.

Mr. Peck moved to take a recess until 7 P. M.

The ayes and noes were demanded by Messrs. Peck, May and Leake, with the following result :



## AYES.

Messrs. Flint, French, Hawthorne, Heintzelman, Hook, Leake, Mandeville, May, McCoun, McGarry, Norman—11.

## NOES.

Messrs. Burton, Day, De La Guerra, Hall, Hawks, Keene, Lippincott, Mahoney, McFarland, McNeil, Moore, Norman, Sprague, Stebbins, Tuttle, Whiting—16.

Consideration of Assembly bill No. 6 was resumed.

Mr. Mahoney offered the following as an amendment to the twenty-first Section :

Strike out all after the word "year," in the fourth line, and where "two" occurs, insert the word "one."

Adopted.

Mr. Leake moved to adjourn.

Lost.

Mr. Leake moved that Senate take a recess until 7½ o'clock, P. M.

The ayes and noes were demanded by Messrs. Leake, Peck and May, with the following result :

## AYES.

Messrs. French, Gove, Hawthorne, Heintzelman, Hook, Keene, Leake, Mandeville, May, McCoun, McGarry, Norman, Peck and Stebbins—14.

## NOES.

Messrs. Burton, Day, De La Guerra, Flint, Hall, Hawks, Lippincott, Mahoney, McFarland, McNeil, Moore, Sprague, Tuttle and Whiting—14.

So the Senate refused to take a recess.

Mr. Heintzelman moved that the Senate take a recess until 7¼ P. M.

The ayes and noes were demanded by Messrs. McCoun, Leake and Norman, with the following result :

## AYES.

Messrs. French, Gove, Hawthorne, Heintzelman, Hook, Keene, Leake, Mandeville, May, McCoun, McGarry, Norman and Peck—13.

## NOES.

Messrs. Burton, Day, De La Guerra, Flint, Hall, Hawks, Lippincott, Mahoney, McFarland, McNeil, Moore, Scellen, Sprague, Stebbins, Tuttle, Whiting—16.

Mr. McFarland moved the previous question.

Sustained.

The question then being, Shall the main question now be put ?

It was decided in the affirmative.

The question then being on Mr. Mahoney's amendment.

Adopted.

On the final passage of the bill,

The ayes and noes were demanded by Messrs. Hawks, French and Leake, with the following result:

AYES.

Messrs. Burton, Crenshaw, Day, De La Guerra, Flint, Hawks, Hook, Lippincott, Mahoney, Mandeville, McCoun, McFarland, McNeil, Moore, Norman, Rust, Sprague, Stebbins, Tuttle and Whiting—20.

NOES.

Messrs. Colby, French, Gove, Hawthorne, Heintzelman, Keene, Kendall, Leake, May, McGarry and Peck—10.

Mr. McCoun moved to adjourn.

The ayes and noes were demanded by Messrs. Moore, Rust and Mahoney, with the following result:

AYES.

Messrs. Mandeville, May, McGarry and Peck—4.

NOES.

Messrs. Burton, Crenshaw, Day, De La Guerra, Flint, French, Gove, Hall, Hawks, Hawthorne, Keene, Kendall, Lippincott, Mahoney, McCoun, McFarland, McNeil, Moore, Norman, Rust, Sprague, Stebbins, Tuttle and Whiting—23.

Mr. Hawks moved a re-consideration of the vote by which Assembly bill No. 6, An Act to re-incorporate the City of San Francisco, was passed.

Mr. Leake moved to take a recess until seven o'clock.

The Chair ruled the motion out of order, as the Senate had just refused to adjourn.

Mr. Leake appealed from the decision of the Chair.

The question then being, Shall the decision of the Chair stand as the judgment of the Senate?

The ayes and noes were demanded by Messrs. Leake, Tuttle and Stebbins, with the following result:

AYES.

Messrs. Burton, Day, De La Guerra, Flint, Gove, Hall, Hawks, Hawthorne, Hook, Keene, Kendall, Lippincott, Mahoney, McFarland, McGarry, McNeil, Moore, Rust, Sprague, Stebbins and Whiting—21.

NOES.

Messrs. Colby, French, Heintzelman, Leake, McCoun and Norman—6.

So the decision of the Chair was sustained.

Mr. Leake moved to adjourn.

Mr. Hawks demanded the previous question.

The question then being shall the main question now be put?

It was decided in the affirmative.

On the motion to adjourn,

The ayes and noes were demanded by Messrs. Leake, Mandeville and Tuttle, with the following result:

#### AYES.

Messrs. Colby, French, Hawthorne, Heintzelman, Hook, Kendall, Leake, Mandeville, May, McCoun, McGarry, Peck and Tuttle—13.

#### NOES.

Messrs. Burton, Crenshaw, Day, De La Guerra, Flint, Gove, Hall, Hawks, Keene, Lippincott, Mahoney, McFarland, McNeil, Moore, Norman, Rust, Scellen, Sprague, Stebbins and Whiting—20.

On motion of Mr. Hawks to re-consider,

The ayes and noes were demanded by Messrs. Hawks, Flint and Lippincott, with the following result:

#### AYES.

Messrs. Colby, French, Hall, Hawthorne, Heintzelman, Leake, McCoun, Peck and Tuttle—9.

#### NOES.

Messrs. Burton, Crenshaw, Day, De La Guerra, Flint, Gove, Hawks, Hook, Keene, Kendall, Lippincott, Mahoney, Mandeville, McFarland, McGarry, McNeil, Moore, Norman, Rust, Scellen, Sprague, Stebbins and Whiting—23.

Mr. McGarry moved that the Senate take a recess until half past seven o'clock, P. M.

Lost.

Mr. May moved to adjourn.

Lost.

Mr. Crenshaw moved to take up Assembly bill No. 216, an Act entitled An Act to amend an Act to provide for the Protection of Foreigners and to define their Liabilities and Privileges, passed March 30, 1853.

Agreed to.

The bill was then read a third time and passed.

Mr. Crenshaw presented the following resolution:

*Resolved*, That the Engrossing Clerk be empowered to employ an Assistant for two days.

Adopted.

The following message was received from the Assembly:

*Mr. President :*

The Assembly has, this day, passed the following bills, and ask the concurrence of the Assembly in their several amendments:

Senate bill No. 174, An Act to punish Vagrants, Vagabonds, and Dangerous and Suspicious Persons, with amendments.

Senate bill No. 182, An Act to authorize the Judges of the Supreme Court to employ a Secretary, with amendments.

Senate bill No. 120, An Act to amend the second section of an Act entitled an Act concerning County Judges, passed April 4, 1854, without amendment.

J. W. SCOBEY,

Assistant Clerk of Assembly.

Senate bill No. 174, An Act to punish Vagrants, Vagabonds, and Dangerous and Suspicious Persons, was taken up.

Assembly amendments concurred in.

Senate bill No. 182, An Act to authorize the Judges of the Supreme Court to employ a Secretary was taken up.

Assembly amendments were considered.

Motion to concur in Senate amendments.

Lost.

Mr. Hawks moved that the Senate take a recess until half past seven o'clock, P. M.

The ayes and noes were demanded by Messrs. May, Hook, and Colby, with the following result:

AYES.

Messrs. Day, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Lippincott, McCoun, McGarry, McNeil, Norman, Peck, Sprague, Stebbins and Tuttle—16.

NOES.

Messrs. Burton, Colby, Crenshaw, De La Guerra, Flint, French, Gove, Mandeville, May, McFarland, Rust and Scellen—12.

SAM. PURDY,

President of Senate.

C. DICKINSON,

Secretary of Senate.



7½ o'clock, P. M.

Senate met pursuant to adjournment.  
President pro tem in the Chair.

Mr. Mandeville moved to re-consider the vote by which the Senate refused to concur in Assembly amendments to Senate bill No. 182, entitled An Act to authorize the Judges of the Supreme Court to employ a Secretary.

The amendments were then read severally and concurred in.

Mr. Kendall presented the following report:

*Mr. President :*

The Joint Committee of Free Conference, appointed by the Senate and Assembly, to whom was referred Assembly bill No. 18, An Act to establish, support and regulate Common Schools, &c, have had the same under consideration and recommend that the Senate recede from its amendment to section 34; and your Committee unanimously recommend a substitute for the second Senate amendment to section twenty-two, and the passage of the bill as amended.

THOS. KENDALL,  
Chairman Senate Committee.

D. R. ASHLEY,  
Chairman Assembly Committee.

JNO. T. CRENSHAW,  
D. MAHONEY.

On the adoption of the amendments offered by the Committee,  
The ayes and noes were demanded by Messrs. Leake, Crenshaw and McCoun,  
with the following result:

AYES.

Messrs. Crenshaw, De La Guerra, Flint, Gove, Hawks, Heintzelman, Kendall, Mahoney, McFarland, McGarry, McNeil, Moore, Rust, Sprague and Whiting—15.

NOES.

Messrs. Day, French, Hook, Keene, Leake, Mandeville, May, McCoun and Scellen—9.

Assembly bill No. 359, An Act to authorize the Board of Trustees of the City of San Diego to convey to the President and Board of Directors of the San Diego and Gila Southern Pacific and Atlantic Railroad Company, two Leagues of Pueblo Lands in the Construction thereof.

Considered as in Committee of the Whole.

Reported back with amendments, recommending its passage as amended.

The bill was then read a third time and passed.

Mr. May moved to take up Assembly bill No. 253, An Act for the Relief of Citizens of Klamath County who have been engaged in subduing Indian Hostilities in said County.

Agreed to.

Upon the final passage of the bill,

The ayes and noes were demanded by Messrs. Leake, McGarry and Norman, with the following result:

AYES.

Messrs. French, Hawks, May, Moore, Rust and Sprague—6.

NOES.

Messrs. Burton, Crenshaw, Day, De La Guerra, Flint, Hawthorne, Hook, Keene, Kendall, Mahoney, McCoun, McFarland, McGarry, McNeil, Scellen and Whiting—16.

Mr. Norman presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed the following Acts:

An Act to amend an Act entitled an Act to fix the Times for holding the Terms of the District Courts throughout this State, passed May 18, 1853.

An Act to provide for the Selection of Lands donated by the United States to the State of California for the Support of Common Schools and for the Erection of Public Buildings.

An Act to provide for settling the Boundary Line between the Counties of Santa Cruz, Santa Clara and San Francisco.

An Act authorizing P. B. Redding and others to improve and exclusively Navigate the Sacramento River, between Red Bluffs and Clear and Middle Creeks.

An Act amendatory of an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851, and also of an Act passed May 15, 1854, entitled an Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

E. F. BURTON.

Mr. Mahoney moved to take up Assembly bill No. 181, An Act to provide for Funding the Floating Debt of the City of San Francisco, and for the extinguishment thereof.

Upon which the ayes and noes were demanded by Messrs. Mahoney, Moore and Hawks, with the following result:

AYES.

Messrs. Burton, Day, De La Guerra, Flint, Hawks, Mahoney, McFarland, McNeil, Moore, Scellen, Sprague and Whiting—12.

## NOES.

Messrs. Colby, French, Gove, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McCoun, McGarry, Peck and Rust—15.

The following messages were received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly have, this day, passed Assembly bill No. 241, An Act to provide for the construction of a Wagon Road from the Sacramento Valley to the Eastern Line of this State.

Senate bill No. 224, An Act to amend an Act entitled an Act to prohibit the erection of Weirs or other obstruction to the run of Salmon.

J.W. SCOBY,

Assistant Clerk of Assembly.

April 28, 1855.

*Mr. President:*

The Assembly, on yesterday, concurred in Senate amendments to Assembly bill No. 170, An Act concerning Roads and Highways.

Also, in Senate amendments to Assembly bill No. 88, An Act to provide for the sale of the Swamp and Overflowed Lands belonging to this State.

Also, passed Senate bill No. 166, An Act to provide for Funding the outstanding Debt of the City of Oakland, and to prevent the creation of new debts by said City.

Also, Assembly bill No. 345, An Act to enforce the collection of Claims against persons violating, or who have violated the provisions of an Act entitled an Act to license Gaming, passed March 14, 1851.

Senate bill No. 205, An Act to authorize certain Chinese Companies to sell and convey certain Real Estate by their Superintendent.

Senate bill No. 101, An Act to authorize the construction of a Wharf at Half Moon Bay in the County of San Francisco.

Senate bill No. 57, An Act to cede certain property in the City of Benicia, with sandry amendments.

Assembly bill No. 239, An Act to amend an Act to prohibit Barbarous and Noisy Amusements on the Christian Sabbath, approved March 16, 1855.

Assembly bill No. 215, An Act to amend an Act to regulate proceedings in Civil Cases in Courts of Justice of this State, passed April 29, 1851.

Assembly bill No. 95, An Act to authorize H. Slicer, E. Steele, C. McLaughlin and H. A. Lockhart to construct a Wagon Road from Sacramento Valley to the town of Yreka, in Shasta Valley, and to regulate the Tolls to be collected on the same.

Assembly bill No. 379, An Act to pay H. Gibbons for certain services to the State.

Senate bill No. 118, An Act to allow John J. Ellet to construct a Canal at Belmont in the County of San Francisco.

Assembly bill No. 222, An Act to amend an Act entitled an Act for the Relief of Insolvent Debtors and protection of Creditors, passed May, 4, 1852.

Assembly bill No. 360, An Act to authorize John Vance and such others as he may associate with him, to build a Wharf at Eureka, Humboldt County.

Assembly bill No. 346, An Act to amend an Act entitled an Act to author-

ize the formation of Corporations for the construction of Plank or Turnpike Roads, passed May 12, 1853.

Assembly bill No. 370, An Act to divide the Nineteenth Senatorial District in this State.

And non-concurred in Senate amendments to Assembly bill No. 229, An Act to fix the compensation of District Attorneys for the several Counties of this State, and ask the Senate to recede from the same.

J. W. SCOBY,

Assistant Clerk of Assembly.

April 26, 1855.

Senate bill No. 118, An Act to allow John J. Ellet to construct a Canal at Belmont in the County of San Francisco.

Taken up and Assembly amendments concurred in.

Senate bill No. 157, An Act to fix the time certain Officers of Yuba County shall enter upon the duties of their office.

Taken up and Assembly amendments concurred in.

Assembly bill No. 229, An Act to fix the compensation of the District Attorneys for the several Counties in this State.

Taken up.

Senate refused to recede from its amendments.

On motion of Mr. McGarry, a Committee of Conference was appointed.

The Chair appointed as such Committee, Messrs. McGarry, Whiting and Keene.

Assembly bill No. 222, An Act to amend an Act entitled an an Act for the Relief of Insolvent Debtors and protection of Creditors, passed May 4, 1852.

Taken up.

Read first time, and objection being made, laid over under the rule.

Assembly bill No. 95, An Act to authorize Hugh Slicer, E. Steele, Chas. McLaughlin and Henry A. Lockhart to construct a Wagon Road from Sacramento Valley to the town of Yreka in Shasta Valley, and to regulate the Tolls to be collected on the same.

Read first time and laid over under the rule.

Assembly bill No. 379, An Act to pay H. Gibbons for certain services to the State:

Read first time and laid over under the rule.

Assembly bill No. 346, An Act to amend an Act entitled an Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads, passed May 12, 1853.

Read first time and laid over under the rule.

Assembly bill No. 215, An Act to amend an Act to regulate proceedings in Civil Cases in Courts of Justice of this State, passed April 29, 1851.

Read first time and laid over under the rule.

Assembly bill No. 345, An Act to enforce the collection of Claims against persons violating or who have violated the provisions of an Act entitled an Act to License Gaming, passed March 14, 1851.

Read first time and laid over under the rule.

Assembly bill No. 370, An Act to divide the Nineteenth Senatorial District in this State.

Read first and second time, and laid over under the rule.

Assembly bill No. 360, An Act to authorize Jno. Vance and such others as he may associate with him, to build a Wharf at Eureka, Humboldt County.

Read a first time and laid over under the rule.



The following message was received from the Assembly:

*Mr. President:*

The Assembly have this day passed the following bills, viz:

Senate bill No. 240, An Act to provide for a Contingent fund for the arrest of Fugitives from Justice.

Assembly bill No. 92, An Act to regulate proceedings for the recovery of Real Estate.

Assembly bill No. 381, An Act to amend the third section of the Act concerning Forcible Entrees and Unlawful Detainers, passed April 22, 1850.

Also on yesterday, Assembly bill No. 118, An Act to amend an Act entitled an Act concerning Fraudulent Conveyances and Contracts, passed April 19, 1850.

J. W. SCOPY,  
Assistant Clerk of Assembly.

Assembly bill No. 92, An Act to regulate proceedings for the recovery of Real Estate.

Read first time and laid over under the rule.

Assembly bill No. 118, An Act to amend an Act entitled an Act concerning Fraudulent Conveyances and Contracts, passed April 19, 1850.

Read first time and laid over under the rule.

Assembly bill No. 381, An Act to amend the 3d section of the Act concerning Forcible Entrees, &c.

Read first time and laid over under the rule.

The following message was received from the Assembly:

*Mr. President:*

The Assembly have this day passed proposed amendments to section 3, Article Eleven, of the Constitution of the State of California.

J. W. SCOPY,  
Assistant Clerk of Assembly.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate that the Assembly this day passed the following bills:

Senate bill No. 177, An Act concerning the Escape of Convicts of the State Prison.  
Senate bill, No. 214, An Act to amend an Act entitled an Act to regulate Fees in Office, approved April 10, 1855.

Also Assembly Concurrent Resolution, which is herewith submitted, and the concurrence of the Senate is respectfully solicited.

Also passed this day Senate bill No. 220, An Act for the relief of James Austin, by his agent, Benj. S. Lippincott.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

The following Assembly Concurrent resolution was taken up:

*Resolved*, (by the Assembly, the Senate concurring.) That the Governor and Secretary of State be empowered and instructed to employ a competent person or persons to examine the remaining evidences of State Indebtedness, and superintend destruction of the same.

Mr. Kendall moved to amend by adding the following:

And the Comptroller of State is hereby instructed to draw his warrants on the Treasurer of State under the order of the Secretary of State or Governor for the pay of said Clerks not exceeding the *per diem* of the Clerks employed in the office of the Comptroller and State Treasurer, to be paid out of the contingent fund; not to be employed over thirty days.

Adopted.

The resolution was adopted as amended.

The following message was received from the Assembly:

*Mr. President :*

I am directed to inform the Senate, that the Assembly passed this day Assembly bill No. 384, An Act amendatory of an Act concerning County Judges, passed April 4th, 1854, and also An Act which passed April 25th, 1855, amendatory of the above recited ;

Assembly bill 386, Supplementary to an Act entitled an Act making Appropriations to defray the ordinary Civil Expenses of the Government of this State, from the 1st day of February, A. D. 1855, to the 1st day of February, 1856, passed April 27, 1855.

Assembly concurrent resolution in relation to the Officers and Attachees of the present Legislature.

Assembly concurrent resolution in relation to authorizing the Secretary of State to furnish the San Francisco Mercantile Library Association with one copy of the State Laws, and Journals of the Senate and Assembly.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Assembly bill No. 384, An Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854, and also an Act which passed April 25, 1855, amendatory of the above recited Act,

Read first time and laid over, under the rule.

Assembly bill No. 386, Supplementary to an Act entitled an Act making Appropriations to defray the ordinary Civil Expenses of the Government of this State, from the 1st day of February, 1855, to the 1st day of February, 1856, passed April 27, 1855,

Read first and second time, amendment offered and adopted, and, on motion, referred to Committee on Finance.

The following concurrent resolution was taken up :

*Resolved*, (by the Assembly, the Senate concurring.) That the Secretary of State be authorized to furnish the San Francisco Mercantile Library Association with one copy of the State Laws and Journals of the Senate and Assembly.

Adopted.

The following concurrent resolution was taken up :

*Resolved*, (by the Assembly, the Senate concurring.) That the officers and attachés of the present Legislature, who were elected and appointed and who performed service previous to the passage at the present session, of the Act fixing their pay, are entitled to receive pay under the law, passed May 15, 1854, until the passage of said Act of the present session.

The ayes and noes were demanded by Messrs. French, Heintzelman and Mahoney, with the following result :

AYES.

Messrs. Crenshaw, Hawthorne, Kendall, McCoun, Moore, Peck and Rust—7.

NOES.

Messrs. Burton, Colby, Day, French, Gove, Hawks, Heintzelman, Hook, Keene, Leake, Mahoney, Mandeville, May, McFarland, McGarry, McNeil, Norman, Sprague and Whiting—19.

Mr. McGarry gave notice that he would, on Monday, move a re-consideration of the vote first taken.

According to previous notice, Mr. Hawks moved to reconsider the vote by which the Act for the Relief of R. G. Crozier was lost.

The ayes and noes were demanded by Messrs. Hawks, May and Mahoney, with the following result :

AYES.

Messrs. Colby, French, Gove, Heintzelman, Hook, Leake, Mandeville, May, McCoun, McGarry, Norman and Peck—12.

NOES.

Messrs. Burton, Crenshaw, Day, Flint, Hawks, Hawthorne, Keene, Kendall, Mahoney, McFarland, McNeil, Moore, Rust, Sprague and Whiting—15.

Mr. Hawks moved to re-consider the vote just taken.

Mr. Leake moved to lay the motion to re-consider on the table.

The ayes and noes were demanded by Messrs. Rust, De La Guerra and Hawks, with the following result :

AYES.

Messrs. Crenshaw, French, Gove, Hawthorne, Hook, Keene, Leake, Mandeville, McCoun, McFarland, Norman, Peck and Sprague—13.

## NOES.

Messrs. Day, De La Guerra, Flint, Hawks, Heintzelman, Kendall, Mahoney, May, McNeil, Moore, Rust and Whiting—12.

Mr. Colby moved to take up Assembly bill 293, An Act for the Relief of Joseph Marzan and Bernhard Mayer.

Mr. Hawks moved to indefinitely postpone.

Lost.

The bill was then read a third time and passed.

Mr. Day moved to take up Senate bill No. 243, An Act supplementary to an Act to provide for the Survey and Construction of a Wagon Road across the Sierra Nevada, and to provide for taking a vote of the people on the issue of the State Bonds for that purpose.

Read first time, and laid over under the rule.

On motion of Mr. May, the Senate took up Assembly bill 309, An Act to reorganize the Fire Department of San Francisco.

Read a third time and passed.

On motion of Mr. McNeil, Assembly bill No. 254, An Act for the Organization of Buena Vista County was taken up.

Mr. Whiting moved that the bill be indefinitely postponed.

Lost.

The bill was then read a third time.

On its final passage, the ayes and noes were demanded by Messrs. Leake, Whiting and Mandeville, with the following result :

## AYES.

Messrs. Burton, Day, Flint, Gove, Hawks, Hawthorne, Heintzelman, Keene, Kendall, May, McCoun, McFarland, McNeil, Moore, Norman, Peck, Rust and Sprague—18.

## NOES.

Messrs. Crenshaw, De La Guerra, French, Leake, Mandeville, McGarry, Seclen and Whiting—8.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee have had under consideration Assembly bill No. 348, and now beg leave to report the same back to the Senate, and that the same be amended by adding additional sections as sections—5, 6, 7, 8, 9, 10, 11, 12 and 13—being the several sections of Senate bill No. 198, heretofore favorably reported to the Senate by the Committee, and recommend the passage of the same as amended.

R. T. SPRAGUE,  
Chairman.

The amendments by the Committee were concurred in.  
Bill read third time and passed.



Mr. Mandeville presented the following report :

*Mr. President :*

The Committee on Claims have had under consideration Senate bill No. 241, An Act to provide for the Payment of Rent for the State House, and report the same back and recommend its passage.

WILSON FLINT,  
J. W. MANDEVILLE.

Mr. Gove moved that the Senate now proceed to consider the bill.

Mr. McCoun moved that the bill lie on the table.

Upon which the ayes and noes were demanded by Messrs. May, French and Whiting, with the following result:

AYES.

Messrs. Burton, Day, De La Guerra, Hook, Keene, Kendall, May, McCoun, McFarland, McGarry, Moore, Norman, Peck, Rust, Scellen, and Sprague—16.

NOES.

Messrs. Colby, Crenshaw, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Mahoney, McNeil, Tuttle and Whiting—12.

So the bill was laid on the table.

Mr. Heintzelman presented the following report:

*Mr. President :*

The Committee on Agriculture, to whom was referred Assembly bill No. 299, An Act to prohibit the sale, or offering for sale, of Food injurious to health, have had the same under consideration, and report it back for the favorable consideration of the Senate.

H. P. HEINTZELMAN,  
Chairman.

Mr. Kendall moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Kendall, Peck and French, with the following result:

AYES.

Messrs. Colby, Crenshaw, Flint, French, Gove, Hawthorne, Heintzelman, Hook, Kendall, Leake, Mandeville, May, McCoun, McGarry and Peck—15.

NOES.

Messrs. Burton, Day, De La Guerra, Hawks, Keene, Mahoney, McFarland, McNeil, Moore, Norman, Rust, Scellen, Sprague, Tuttle and Whiting—12.

So the Senate refused to adjourn.

Mr. Mahoney moved to take up Assembly bill No. 181, entitled An Act to provide for funding the Floating Debt of the City of San Francisco, and for the extinguishment thereof.

Mr. Norman moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Mahoney, Peck and French, with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Flint, French, Gove, Hawthorne, Heintzelman, Hook, Kendall, Leake, Mandeville, May, McCoun, McGarry, Norman, Peck, Scellen and Tuttle—19.

NOES.

Messrs. Day, De la Guerra, Hawks, Keene, Mahoney, McFarland, McNeil, Moore, Rust, Sprague and Whiting—11.

So the Senate adjourned.

SAM. PURDY,  
President of Senate.

C. DICKINSON,  
Secretary of Senate.

IN SENATE.

MONDAY, April 30, 1855.

The Senate met pursuant to adjournment.

The President in the chair.

The Journal of yesterday was read and approved.

Mr. Norman presented the following reports :

*Mr. President:*

The Joint Committee on Enrollment have, this day, presented to the Governor, for his signature, the following Acts, viz :

An Act to provide for Funding the Floating Debt of the City of Marysville, and for the extinguishment thereof.

An Act amendatory of an Act dividing the State into Counties and establishing the Seats of Justice therein.

An Act for the Relief of James Austin by his agent, Benjamin S. Lippincott.

An Act to compensate Mrs. Sarah Staples, Teacher of the Pioneer School of the County of Tuolumne.

An Act to discourage the Immigration to this State of persons who cannot become Citizens.

An Act to authorize certain Chinese Companies to sell and convey certain Real Estate by their Superintendent.

An Act concerning the escape of Convicts of the State Prison.

An Act to provide for the payment of State Prison Inspectors.

An Act to provide for the payment of the Salary of the District Attorney of the County of San Francisco.

An Act supplementary to an Act to regulate Fees in Office, passed March 30.

W. B. NORMAN,  
Chairman.

April 28, 1855.

*Mr. President:*

The Joint Committee on Enrollment have examined and find correctly enrolled the following bills, to-wit:

Senate bill for an Act to provide for Funding the Floating Debt of the City of Marysville, and for the extinguishment thereof.

An Act amendatory of an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein.

An Act for the Relief of James Austin by his Agent, Benjamin S. Lippincott.

An Act to compensate Mrs. Sarah Staples, Teacher of the Pioneer School of the County of Tuolumne.

An Act to discourage the Immigration to this State of persons who cannot become Citizens.

An Act to authorize certain Chinese Companies to sell and convey certain Real Estate by their Superintendent.

An Act concerning the Escape of Convicts of the State Prison.

An Act to provide for the payment of State Prison Inspectors.

An Act to provide for the payment of the Salary of the District Attorney of the County of San Francisco.

An Act supplementary to an Act entitled an Act to regulate Fees in Office, passed March 30, 1855.

W. B. NORMAN,  
Chairman.

April 28, 1855.

*Mr. President:*

The Joint Committee on Enrollment have examined and find correctly enrolled the following bills, to-wit:

Senate bill No. 182, An Act to authorize the Judges of the Supreme Court to employ a Secretary.

Senate bill No. 101, entitled an Act to authorize the construction of a Wharf at Half Moon Bay in the County of San Francisco.

Senate bill No. 174, An Act to punish Vagrants, Vagabonds and Dangerous and Suspicious Persons; also,

An Act to provide for Funding the outstanding Debt of the City of Oakland, and to prevent the creation of new debts by said City.

W. B. NORMAN,  
Chairman.

April 28, 1855.

*Mr. President:*

The Joint Committee on Enrollment have this day submitted to the Governor, for his signature, the following Acts:

An Act to punish Vagrants, Vagabonds, and Dangerous and Suspicious Persons.

An Act to authorize the construction of a Wharf at Half Moon Bay in the County of San Francisco.

An Act to authorize the Judges of the Supreme Court to employ a Secretary; and

An Act to provide for Funding the outstanding Debt of the City of Oakland, and to prevent the creation of new debts by said City.

W. B. NORMAN,  
Chairman.

April 28, 1855.

*Mr. President:*

The Joint Committee on Enrollment have examined and find correctly enrolled the following bills, to-wit:

Senate bill No. 224, for an Act to amend an Act entitled an Act to prohibit the erection Weirs or other obstructions to the run of Salmon.

An Act to allow John J. Ellet to construct a Canal at Belmont in the County of San Francisco.

An Act to amend the Second Section of an Act entitled an Act concerning County Judges, passed April 4, 1854.

An Act to provide for a Contingent Fund for the arrest of Fugitives from Justice.

An Act to amend an Act entitled an Act to regulate Fees in Office, approved April 10, 1855.

An Act to amend an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April 14, 1853.

An Act to cede certain property to the City of Benicia; and

An Act amendatory of and supplementary to an Act entitled an Act concerning Escheated Estates, passed May 4, 1852.

W. B. NORMAN,  
Chairman.

April 28, 1855.



*Mr. President :*

The Joint Committee on Enrollment have this day presented to the Governor, for his signature, the following Acts, viz:

Senate bill No. 224, for an Act to amend an Act entitled an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon.

An Act to allow John J. Ellet to construct a Canal at Belmont in the County of San Francisco.

An Act to amend the Second Section of an Act entitled an Act concerning County Judges, passed April 4, 1854.

An Act to provide for a Contingent Fund for the arrest of Fugitives from Justice.

An Act to amend an Act entitled an Act to regulate Fees in Office, approved April 10, 1855.

An Act to amend an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April 14, 1853.

An Act to cede certain property to the City of Benicia; and

An Act amendatory of and supplementary to an Act entitled an Act concerning Escheated Estates, passed May 4, 1852.

W. B. NORMAN,  
Chairman.

Mr. Flint presented the following report :

*Mr. President:*

Your Committee on Claims have examined the bill to authorize the Controller to issue Duplicate War Bond to Danl. L. Pierpont, and beg leave to report favorably, and recommend its passage.

WILSON FLINT,  
Chairman.

Mr. McCoun presented the following report:

*Mr. President :*

The Committee of Free Conference, to whom was referred the bill for an Act to Fund the Debt of the County of San Diego, and provide for the payment of the same, have, in their conference, thought proper to report the same back to the Senate and recommend that the Senate recede from its amendments.

W. H. McCOUN,  
Chairman.

Report concurred in and Senate receded from amendments.

Mr. Hook returned to the Senate an Executive message relative to Indian Affairs, the Committee having acted upon the recommendations contained therein.

The following messages were received from his Excellency the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, April 28, 1855. }

*To the Senate of California :*

I have this day approved an Act which originated in the Senate, entitled an Act concerning Public Ferries and Toll-Bridges.

An Act supplemental to an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March 25, 1855.

An Act to prevent the counterfeiting of Gold Dust and other species of Gold; and

An Act appropriating money for the benefit of the Orphan Asylums of the City of San Francisco.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,  
Sacramento, April 28, 1855. }

*To the Senate of California :*

I have this day approved an Act which originated in the Senate entitled an Act to fix the Salary of the County Judge of Placer County.

JOHN BIGLER.

The following message was received from the Assembly:

*Mr. President:*

The Assembly have adopted the report of the Committee of Free Conference on Assembly bill No. 242, for Funding the Debt of San Diego, etc.

J. W. SCOBY,  
Assistant Clerk of Assembly.

April 28, 1855.

The following messages were received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly have this day concurred in Senate amendments to Assembly bill No. 6, An Act to re-incorporate the City of San Francisco.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

April 28, 1855.

*Mr. President:*

The Assembly have this day appointed as a Committee of Conference on their

part, upon Assembly bill, No. 242, An Act to Fund the Debt of San Diego County, &c., Messrs. Ferrell, Flournoy and Doughty.

Also Messrs. Johnson, of San Francisco, Curtis and Rogers, as Committee of Conference upon Assembly bill No. 229, An Act to fix the Compensation of District Attornies, &c.

J. W. SCOBY,

Assistant Clerk of Assembly.

April 28, 1855.

*Mr. President :*

I am directed to inform the Senate that the Assembly have this day indefinitely postponed the Senate Concurrent resolution, fixing the time of adjourning *sine die*, and rescinding the resolution fixing the time of adjournment on the 30th April 1855.

J. W. SCOBY,

Assistant Clerk of Assembly.

April 28, 1855.

*Mr. President :*

The Assembly have this day passed Senate bill No. 196, An Act supplementary to an Act entitled an Act to regulate Fees in Office, passed March 30, 1855.

And have appointed Messrs. Ashley, Gober and Farwell, Committee of Conference on the part of the House, upon the disagreeing vote upon the Common School bill.

J. W. SCOBY,

Assistant Clerk of Assembly.

April 28, 1855.

*Mr. President :*

The Senate have this day passed the following bills, viz:

Senate bill No. 119, An Act to provide for the payment of State Prison Inspectors.

Also Senate bill No. 85, An Act to amend an Act entitled an Act to provide for the formation of Incorporations for certain purposes, passed April 14, 1853.

J. W. SCOBY,

Assistant Clerk of Assembly.

April 28, 1855.

*Mr. President :*

I am directed to inform the Senate that the Assembly on the 28th inst., passed the following bills:

Senate bill No. 145, An Act to provide for settling the Boundary Line between the Counties of Santa Cruz, Santa Clara and San Francisco.

Senate bill No. 243, An Act to authorize the Supervisors of the County of Alameda to re-assess the taxes remaining unpaid in said County for the year 1854

Assembly bill No. 389, An Act to enable certain personal representatives and next of kin of deceased persons to maintain civil actions in certain cases; and  
 Assembly bill No. 319, An Act for the relief of Mrs. Annie V. R. Wells.

J. W. SCOPY.

Assistant Clerk of Assembly.

April 30, 1855.

Assembly bill No. 319, An Act for the relief of Annie V. R. Wells.

Read first time and laid over under the rule.

Assembly bill No. 389, substitute for Senate bill No. 135, An Act to enable certain personal representatives and next of kin of deceased persons to maintain civil actions in certain cases.

Read first time and laid over under the rule.

Assembly bill No. 351, An Act to legalize the City Assessment of the City of San Francisco, for the fiscal year 1854.

Read first time and laid over under the rule.

Assembly bill No. 139, An Act to amend an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, approved March 16, 1855.

Read first time and laid over under the rule.

The following message was received from the Assembly.

*Mr. President:*

The Assembly have this day passed Senate bill No. 199, An Act to appropriate money to enable the Trustees of the Insane Asylum, to build a Dining Room, Bath House and Kitchen; also to purchase furniture for the main building of the same.

Also Assembly bill No. 351, An Act to legalize the City Assessments of the City of San Francisco, for the fiscal year 1854-5.

J. W. SCOPY,

Assistant Clerk of Assembly.

April 28, 1855.

Mr. May moved to take up Assembly bill No. 236, An Act for the relief of Mr. Sanbagh.

The ayes and noes were demanded by Messrs. Burton, Mandeville and French, with the following result:

AYES.

Messrs. Day, Gove, Hall, Hook, May, McFarland, Peck, Scellen and Sprague—9.

NOES.

Messrs. Burton, Crenshaw, De La Guerra, Hawthorne, Heintzelman, Keene, Kendall, Leake, Mandeville, McCoun, Norman, Tuttle and Whiting—13.

Mr. Whiting moved that the Senate appoint a Committee of Free Conference on the disagreeing vote of the two Houses on Assembly bill No. —, in relation to the boundary line between the Counties of Tuolumne and Stanislaus.



Mr. Mandeville moved to amend the motion, by the following instructions to the Committee:

Mr. Mandeville moved to instruct the Committee to ascertain the amount of taxable property in the District proposed to be taken from Tuolumne and annexed to Stanislaus, and so amend the bill that the County of Stanislaus shall assume a portion of the debt of Tuolumne County, in proportion to the taxable property in said district.

Agreed to.

The ayes and noes were demanded by Messrs. Mandeville, Kendall and French, with the following result:

AYES.

Messrs. Burton, Day, French, Hawks, Hawthorne, Hook, Keene, Leake, McCoun, Peck, Sprague, Tuttle and Whiting—13.

NOES.

Messrs. Gove, Kendall, Mandeville, May and Norman—5.

The Chair appointed as such Committee, Messrs. Whiting, Kendall and McCoun.

Mr. Mandeville offered the following resolution:

*Resolved*, That the Secretary and Assistant Secretary of the Senate be continued at their present per diem, after the adjournment of the Legislature, not exceeding thirty days, to finish the business of the Session, and the Controller of State is hereby authorized to issue his warrants on the Treasurer for such services, on the certificate of the Lieutenant Governor.

Adopted.

Assembly bill No. 296, An Act to provide for the Redemption of California War bonds previous to maturity, taken up as in Committee of the Whole.

Amendments made.

Committee rose, reported the bill back, recommending its passage as amended.

The bill was then considered.

Committee amendments concurred in.

Bill read a third time and passed.

Mr. McFarland moved that the communication be laid on the table.

The ayes and noes were demanded by Messrs. Colby, Tuttle and McFarland, with the following result:

AYES.

Messrs. Day, French, Gove, Hawthorne, Heintzelman, Keene, Leake, May, McCoun, McGarry, Peck and Whiting—12.

NOES.

Messrs. Burton, Colby, Flint, Hook, Kendall, Mahoney, McFarland, Norman, Scellen, Sprague and Tuttle—11.

The following messages were received from the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, April 28, 1855. }

*To the Senate of California:*

I have this day approved the following Acts:

An Act amendatory of an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, and also amendatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, (passed April 29, 1851,) passed May 15, 1854.

An Act to amend an Act entitled an Act for the Government and Protection of Indians, passed April 22, 1850.

An Act supplementary to an Act entitled an Act to incorporate the City of Marysville, passed March 5, 1855.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,  
Sacramento, April 30, 1855. }

*To the Senate of California:*

I have this day approved the following Acts, which originated in the Senate, to wit:

An Act to provide for funding the Floating Debt of the City of Marysville, and for the Extinguishment thereof.

An Act concerning the Escape of Convicts from the State Prison.

An Act to discourage the Immigration to this State of Persons who cannot become Citizens thereof.

An Act to compensate Mrs. Sarah Staples, Teacher of the Pioneer School of the County of Tuolumne.

An Act for the Relief of Samuel Austin, by his Agent, B. S. Lippincott.

An Act supplementary to an Act entitled an Act to regulate Fees in Office.

An Act to provide for the Payment of the Salary of the District Attorney of San Francisco

An Act amendatory of an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, approved April 25, 1851.

An Act to authorize certain Chinese Companies to sell and convey certain Real Estate by their Superintendents.

An Act to provide for the Payment of State Prison Inspectors.

An Act to provide for funding the Outstanding Debt of the City of Oakland, and to prevent the creation of new Debts by said City.

An Act to punish Vagrants and Dangerous and Suspicious Persons.

An Act to authorize the Judges of the Supreme Court to employ a Secretary.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,  
Sacramento, April 28, 1855. }

*To the Senate of California:*

I have this day approved the following Acts, which originated in the Senate, viz:

An Act to prevent the Counterfeiting of Gold Dust and other species of Gold.

An Act appropriating Money for the Benefit of the Orphan Asylums of the City of San Francisco.

An Act supplemental to an Act to create a Board of Supervisors in the Counties of this State.

An Act amendatory of an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April 29, 1851, and also amendatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State (passed April 29, 1851,) passed May 15, 1854.

An Act to amend an Act entitled an Act for the Government and Protection of the Indians, passed April 22, 1850.

An Act supplementary to an Act entitled an Act to incorporate the City of Marysville, passed March 5, 1855.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,  
Sacramento, April 30, 1855. }

*To the Senate of California:*

George Simpton, John Nye, Amos Noyes and Thomas W. Brennan, have by me been appointed Port Wardens for the Port of San Francisco, subject to the approval of the Senate.

The appointments of W. H. Hoburg, as Liquor Guager, San Francisco, Edward McGowan, Commissioner of Emigrants, and R. N. Snowden as State Prison Inspector, made during the recess and reported at the commencement of the session, it is believed have not been acted upon by the Senate.

JOHN BIGLER.

Mr Moore moved to refer the message to a Committee of the whole Senate.

Agreed to.

Mr. Heintzelman moved a call of the Senate.

Agreed to.

The following Senators were found absent without leave:

Messrs. De La Guerra, Scellen and Whiting.

On motion of Mr. Lippincott, further proceedings under the rule were dispensed with.

Mr. Leake moved to lay the whole subject matter on the table.

The ayes and noes were demanded by Messrs. Tuttle, Moore and Mahoney, with the following result:

AYES.

Messrs. Burton, Crenshaw, French, Hawthorne, Heintzelman, Hook, Keene, Leake, Mandeville, McCoun, McGarry, Norman, Peck and Whiting—14.

NOES.

Messrs. Day, De La Guerra, Flint, Gove, Hall, Hawks, Lippincott, Mahoney, McFarland, Moore, Rust and Tuttle—12.

On motion of Mr. Hook, the Senate took up Senate bill No. 133, An Act to provide for the purchase of sundry manuscript Maps therein named.

Mr. Leake moved that the bill be laid on the table.

Agreed to.

Mr. Keene moved to take up Senate resolution.

*Resolved*, That the Board of Examiners of War Claims be, and they are hereby directed to enter on their books a full settlement of the accounts of Major Wm. Rogers and A. W. Bee, officers in the El Dorado Expedition against the Indians and give them a clear receipt against the State; and to make settlements and give receipts in like manner to all other officers with whom they may be satisfied settlements have been made by the proper authorities.

Mr. Sprague moved that the word "directed" be stricken out and the word "authorized" substituted.

Agreed to.

Mr. Whiting offered the following resolution:

*Resolved*, That the Commissioners of War Claims be authorized to give full acquittance to William Rogers, and receipt in full satisfaction on the part of the State, for any and all claims of whatsoever character, which the State of California may have against him, growing out of alleged defalcations or deficiencies in the settlement of accounts originating in, and having reference to the El Dorado Indian War Expedition.

Lost.

Mr. Tuttle offered the following proviso:

*Provided*, That nothing herein contained shall be considered as rendering the State of California liable to any private parties for services or supplies in said wars.

Adopted.

The resolution offered by Mr. Keene was then adopted.

The following message was received from the Assembly:



*Mr. President:*

I am directed to inform the Senate that the Assembly this day passed a Concurrent Resolution, rescinding the resolution adjourning the Legislature *sine die* on the 30th of April, and agreeing to adjourn on Friday next, the 4th day of May, at 12 o'clock, M., in which the concurrence of the Senate is respectfully requested.

Respectfully submitted,

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Crenshaw moved that the Senate adopt Assembly resolution.

Mr. McFarland moved a call of the Senate.

Agreed to.

Messrs. Hawks and Scellen were found absent without leave.

Mr. Day moved that further proceedings under the call be dispensed with.

Lost.

Mr. McCoun moved that proceedings under the call be dispensed with.

Carried.

Mr. French moved to amend the Assembly Resolution by striking out Friday the 4th inst., and inserting Monday the 7th of May.

The ayes and noes were demanded by Messrs Burton, Sprague and Mandeville with the following result:

#### AYES.

Messrs. Colby, Crenshaw, French, Gove, Hall, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, May, McCoun, McGarry, Norman, Peck, Tuttle and Whiting—18.

#### NOES.

Messrs. Burton, Day, De La Guerra, Flint, Hawks, Lippincott, Mahoney, McFarland, McNeil, Moore, Rust, Scellen and Sprague—13.

So the amendment was adopted.

Mr. Heintzelman offered the following amendment:

Except bills relating to the State Prison.

Adopted.

Mr. Mahoney offered the following amendment:

That no bills appropriating any of the public funds except the State Prison shall be acted upon.

Mr. Leake moved the previous question.

Sustained.

The question then being, shall the main question now be put?

Decided in the affirmative.

Upon the adoption of Mr. Mahoney's amendment, the ayes and noes were demanded by Messrs. Mahoney, Flint and Mandeville, with the following result:

AYES.

Messrs. Burton, Flint, Hall, Lippincott, Mahoney, McNeil, Norman, Scellen and Sprague—9.

NOES.

Messrs. Colby, Crenshaw, Day, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, May, McCoun, McGarry, Moore, Peck, Rust, Tuttle and Whiting—20.

On the passage of the resolution as amended, the ayes and noes were demanded by Messrs. Sprague, Heintzelman and Keene, with the following result :

AYES.

Messrs. Colby, Crenshaw, French, Gove, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, May, McCoun, McGarry, Peck and Whiting—15

NOES.

Messrs. Burton, Day, De La Guerra, Flint, Hall, Lippincott, Mahoney, McFarland, Moore, Norman, Rust, Scellen, Sprague and Tuttle—14.

On motion of Mr. Crenshaw, the Senate took up Assembly bill No. 118, An Act to amend an Act concerning fraudulent Conveyances and Contracts, passed April 10, 1850.

Read second time, and referred to the Judiciary Committee.

Mr. Tuttle moved to re-consider the vote by which the bill was referred to the Judiciary Committee.

Carried.

On motion of Mr. Whiting, the bill was re-committed to the Judiciary Committee, with instructions to report to-morrow morning.

Mr. Hook offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be allowed five days to arrange the business pertaining to his office, after the adjournment of the Legislature, at the *per diem* pay he is now receiving.

Adopted.

Mr. Whiting moved to print 1000 copies of the Act relative to Ferries and Toll Bridges.

Mr. Rust moved to amend by inserting the usual number of copies.

Upon the passage of the resolution as amended, the ayes and noes were demanded by Messrs. Whiting, Gove and Tuttle, with the following result :

AYES.

Messrs. Colby, Day, French, Gove, Hall, Hawthorne, Hook, Rust, Sprague and Whiting—10.

NOES.

Messrs. Burton, Crenshaw, De La Guerra, Flint, Lippincott, Mandeville, McFarland, McGarry, McNeil, Scellen and Tuttle—11.

So the motion to print was lost.

Mr. McNeil presented the following reports :

*Mr. President:*

The Committee of Public Morals and Police, to whom was referred Assembly bill No. 263, An Act to require the Closing of Business Houses, in certain Counties of this State, on the first day of the week, commonly called Sunday, have had the same under consideration, and report the bill back without amendment, and recommend its passage.

A. McNEIL,  
Chairman.

*Mr. President :*

The Committee on Public Morals and Police, in answer to the Senate resolution requiring them to report the number of petitions for a Prohibitory Liquor Law, also praying the suppressing of Gaming, also the suppression of Amusements on the Sabbath, report that there are two thousand one hundred and twenty-one petitions for a Prohibitory Liquor Law, eight hundred and twenty-four for the suppression of Gaming, and four hundred and eighty-four for the better observance of the Sabbath.

A. McNEIL,  
Chairman.

Senate bill No. 192, Substitute for Senate bill No. 94, and Assembly bill No. 62, An Act to take the sense of the people of this State at the General Election in 1855, on the passage of a Prohibitory Liquor Law

Mr. McFarland moved to suspend the reading of the bill.

Lost.

The substitute was then adopted.

Mr. McFarland moved that the bill be indefinitely postponed.

The ayes and noes were demanded by Messrs Tuttle, Burton and McFarland, with the following result :

AYES.

Messrs. De La Guerra, McFarland and Norman—3.

NOES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Gove, Hawthorne, Hook, Keene, Mahoney, Mandeville, May, McGarry, McNeil, Rust, Scellen, Sprague, Tuttle and Whiting—19.

Mr. Mahoney offered the following amendment :

*Provided*, That if a majority of the legal voters of any county in this State record those votes against a Prohibitory Liquor Law, then the Legislature of 1855 may not enact any law contrary to such expression.

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Mahoney, French and McFarland, with the following result :

## AYES.

Messrs. French, Hawks, Leake, Lippincott, Mahoney, McCoun and McFarland—7.

## NOES.

Messrs. Burton, Colby, Day, De La Guerra, Flint, Gove, Hall, Hawthorne, Hook, Keene, Mandeville, May, McGarry, McNeil, Norman, Rust, Scellen, Sprague, Tuttle and Whiting—20.

Bill was then read a third time.

On its final passage, the ayes and noes were demanded by Messrs. Hawks, Whiting and French, with the following result :

## AYES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Gove, Hawks, Hawthorne, Hook, Keene, Lippincott, Mandeville, May, McCoun, McFarland, McGarry, McNeil, Norman, Rust, Scellen, Sprague, Tuttle and Whiting—23.

## NOES.

Messrs. De La Guerra, French, Hall, Mahoney and Moore—5.

Mr. McGarry moved a re-consideration of the vote by which Assembly concurrent resolution was laid upon the table.

The ayes and noes were demanded by Messrs. Hawks, McGarry and Mahoney, with the following result :

## AYES.

Messrs. Colby, Flint, Hall, Hawthorne, Lippincott, McCoun, Moore and Scellen—8.

## NOES.

Messrs. Burton, Crenshaw, Day, De la Guerra, French, Gove, Hawks, Hook, Keene, Mahoney, Mandeville, McFarland, McGarry, McNeil, Norman, Sprague, Tuttle and Whiting—18.

The following messages were received from his Excellency the Governor :



EXECUTIVE DEPARTMENT, }  
 Sacramento, April 30, 1855. }

*To the Senate of California :*

I have this day approved of the following Acts which originated in the Senate, viz:

An Act to compensate Mrs. Sarah Staples, Teacher of the Pioneer School of the County of Tuolumne.

An Act to discourage the Immigration to this State of persons who cannot become Citizens thereof.

An Act concerning the Escape of Convicts of the State Prison.

An Act to provide for the payment of the Salary of the District Attorney of the County of San Francisco.

An Act to authorize certain Companies to sell and convey certain Real Estate by their Superintendents.

An Act amendatory of an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, approved April 25, 1851.

An Act to provide for Funding the Floating Debt of the City of Marysville and for the extinguishment thereof.

An Act for the Relief of James Austin by his agent Benjamin S. Lippincott.

An Act supplementary to an Act entitled an Act to regulate Fees in Office, passed March 30, 1855.

JOHN BIGLER.

EXECUTIVE DEPARTMENT, }  
 Sacramento, April 30, 1855. }

*To the Senate of California :*

I have this day approved the following Acts which originated in the Senate, viz:

An Act amendatory of and supplementary to an Act entitled an Act concerning Escheated Estates.

An Act to amend the Second Section of an Act entitled an Act concerning County Judges.

An Act to amend an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April 14, 1853.

An Act to provide for a Contingent Fund for the arrest of Fugitives from Justice.

An Act to amend an Act to regulate Fees in Office.

An Act to amend an Act entitled an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon.

JOHN BIGLER.

Assembly bill No. 384, An Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854; and, also, an Act which passed April 25, 1855, amendatory of the above recited Act.

Read second time and referred Delegation from Sutter.

Assembly bill No. 95, An Act to authorize Hugh Slicer, E. Steele, Chas.

McLaughlin and Henry A. Lockhart to construct a Wagon Road from Sacramento Valley to the town of Yreka in Shasta Valley, and to regulate the Tolls to be collected on the same.

Read second time and referred to the Committee on Internal Improvements.

Assembly bill No. 381, An Act to amend the Third Section of the Act concerning Forcible Entries, etc.

Read second time and referred to the Judiciary Committee.

Assembly bill No. 92, An Act to regulate proceedings for recovery of Real Estate.

Read second time and referred to the Judiciary Committee.

Assembly bill No. 215, An Act to amend an Act to regulate proceedings in Civil Cases in Courts of Justice of this State, passed April 29, 1851.

Read second time and referred to the Judiciary Committee.

Assembly bill No. 370, An Act to divide the Nineteenth Senatorial District in this State.

Read second time and referred to the Judiciary Committee.

Assembly bills No. 345, An Act to enforce the collections of Claims against persons violating or who have violated the provisions of an Act entitled an Act to License Gaming, passed March 14, 1851.

Read second time and referred to the Committee on Public Morals and Police.

Assembly bill No. 379, An Act to pay H. Gibbins for certain services to the State.

Read second time and referred to the Committee on Claims.

Assembly bill No. 346, An Act to amend an Act entitled an Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads, passed May 12, 1853.

Read second time and referred to the Judiciary Committee.

Assembly bill No. 360, An Act to authorize Jno. Vance, and such others as he may associate with him, to build a Wharf at Eureka, Humboldt County.

Read a second time and referred to the Committee on Commerce and Navigation.

Assembly bill No. 222, An Act to amend an Act entitled an Act for the Relief of Insolvent Debtors and protection of Creditors, passed May 4, 1852.

Read second time and referred to the Judiciary Committee.

Mr. Tuttle gave notice that he will, to-morrow, introduce a bill for an Act to appropriate money for the enlargement of the State Prison and the erection of a wall around the same.

Mr. Tuttle offered the following as rule 45 of the standing rules of the Senate:

Rule 45.—No Senator shall speak more than once on any bill, motion or resolution, and then shall not speak more than five minutes; nor shall any Senator speak in explanation of his vote.

On motion of Mr. Sprague, the same was indefinitely postponed.

Assembly bill No. 118, An Act to amend an Act entitled an Act concerning fraudulent Conveyances and Contracts, passed April 19, 1853.

Read second time and referred to the Judiciary Committee.

Mr. Mandeville moved that the Secretary be instructed to arrange the business upon the table in the order, according to the date, in which it was reported from Committees.

Agreed to.

On motion of Mr. Mandeville, the Senate adjourned.

SAM. PURDY,  
President of Senate.

C. DICKINSON,  
Secretary of Senate.

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## IN SENATE.

TUESDAY, May 1, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of yesterday was read.

On motion of Mr. Sprague, that part of the Journal containing the communication from Mr. Haight, was stricken out, and the Secretary instructed to deliver the same to Mr. Haight, at his request.

The Journal was then approved.

The following message was received from the Assembly :

*Mr. President:*

I am directed to inform the Senate that the Assembly have concurred in Senate amendments to Assembly Concurrent Resolution relative to the adjournment.

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Leake reported back Assembly bill No. 372, An Act to amend an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851, without amendment, for the consideration of the Senate.

Mr. Flint reported back Assembly bill No. 383, An Act to authorize the Controller of State to issue a duplicate War Loan Warrant, without amendment, for the consideration of the Senate.

Assembly bill No. 319. An Act for the relief of Mrs. Annie V. R. Wells.

Taken up, read a second time, and referred to the Committee on Claims.

Assembly bill No. 389, substitute for Senate bill No. 135, An Act to enable

certain personal representatives and next of kin of deceased persons, to maintain Civil Actions in certain cases.

Taken up, read a second time, and referred to the Judiciary Committee.

Assembly bill No. 351, An Act to legalize the City Assessment of the City of San Francisco for the Fiscal Year 1854-5.

Taken up, read a second time, and referred to Judiciary Committee.

Assembly bill No. 139, An Act to amend an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, approved March 16, 1855.

Taken up, read a first and second time, and referred to Committee on Public Morals and Police.

Senate bill No. 21, An Act to provide suitable cases, desks and furniture, for the State Archives and State Library.

Taken up, and indefinitely postponed.

Senate bill No. 12, An Act to amend an Act entitled an Act defining the time for commencing Civil Actions.

Taken up, and considered as in Committee of the Whole, amended, Committee rose, reported the bill back with amendments, and recommended its passage, as amended.

Committee amendments concurred in.

The bill was then read a third time, and passed.

The Senate then took up Senate bill No. 11, An Act to authorize the Governor to issue Patents, and substitute Senate bill No. 218, An Act to authorize the Governor to issue Patents.

The substitute was adopted, and on motion, was indefinitely postponed.

Senate bill No. 43, An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Taken up, and,

On motion, was laid on the table.

Senate took up Senate bill No. 22, a bill for An Act to create a Board of Supervisors for the Counties of Contra Costa, Sierra and Yuba, and to define their duties and powers.

On motion, the same was indefinitely postponed.

Senate took up Senate bill No. 35, An Act amendatory of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

On motion, the same was indefinitely postponed.

Senate bill No. 8, An Act entitled an Act in relation to the Indian War Debt of the State.

Taken up, and,

On motion, indefinitely postponed.

Senate bill No. 54, An Act to authorize John W. Owen to build a Wharf in Solano County.

Taken up, and,

On motion, indefinitely postponed.

Senate bill No. 72, An Act amendatory of an Act concerning the office of County Treasurers.

Taken up, and indefinitely postponed.

Assembly bill No. 79, An Act to amend an Act entitled an Act concerning County Judges, passed April 4, 1854.

Taken up, and,

On motion, was indefinitely postponed.

Mr. Moore presented the following report :



*Mr. President :*

The Finance Committee, to whom was referred Assembly bill No. 386, for An Act supplementary to an Act making appropriations to defray the ordinary Civil Expenses of the Government of this State, from the first day of February, 1855, to the first day of February, 1856, report that they have examined the same, and recommend its passage, as amended.

E. J. MOORE,  
Chairman.

Senate bill No. 49, An Act concerning the Treasurer's and Controller's Offices.  
Taken up, and

On motion, the same was indefinitely postponed.

Senate bill No. 67, An Act concerning State and County Treasurers.

Taken up, read a third time, and passed.

Mr. Rust presented the following report :

*Mr. President :*

The delegation to whom was referred Assembly bill No. 384, An Act concerning County Judges, report the same back, and recommend its passage.

P. C. RUST.

The bill was then taken up, read a third time, and passed.

Mr. Stebbins presented the following report :

*Mr. President :*

The Committee on Commerce and Navigation, to whom was referred Assembly bill for An Act to authorize Jno. Vance, and such others as he may associate with him, to build a Wharf at Eureka, in Humboldt County, have considered the same, and have instructed me to report the bill back for the consideration of the Senate.

JAMES G. STEBBINS.

The following message was received from the Assembly :

*Mr. President :*

The Assembly, on the 28th of April, concurred in Senate amendments to Assembly bill No. 359, An Act to authorize the Board of Trustees of the City of San Diego to convey to the President and Board of Directors of the San Diego and Gila Southern Pacific and Atlantic Railroad Company two leagues of the Pueblo Lands, to aid in the construction thereof.

Assembly bill No. 388, An Act explanatory of and supplemental to an Act to Re-incorporate the City of San Francisco.

They also, on the 30th April, 1854, adopted a resolution for the appointment of a Joint Committee for drafting a bill for the construction of a State Prison Wall, &c., and ask the concurrence of the Senate.

They have, also, this day passed Assembly bill No. 377, An Act to organize the County of Remondo out of the County of San Francisco.

J. W. SCOBY,

Assistant Clerk of Assembly.

May 1, 1855.

Assembly bill No 377, An Act to organize the County of Remondo out of the County of San Francisco.

Taken up, and referred to Committee on Counties and County Boundaries.

Assembly bill No. 388, An Act explanatory of and supplemental to an Act entitled an Act to re-incorporate the City of San Francisco.

Read first and second time, and referred to the San Francisco delegation.

The Senate then took up the following Concurrent Resolution :

*Resolved*, by the Assembly, the Senate concurring, That a Joint Committee of five from each House be appointed and instructed to report a bill providing for the construction of a wall around the State Prison ; and such additional building as they may think necessary for the security and safe-keeping of the Convicts.

Concurred in.

The Chair appointed as such committee, on the part of the Senate, Messrs. McFarland, Keene, Scellen, Mandeville, and McCoun.

The following message was received from the Assembly :

*Mr. President :*

I am directed to inform the Senate that the Assembly passed, on yesterday, Assembly bill, An Act supplementary to and amendatory of an Act entitled an Act to provide for the sale of the interest of the State of California in the Property within the Water-line Front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, passed May 18, 1853, notwithstanding the veto of the Governor, by ayes 58, noes 5.

Respectfully submitted,

J. M. ANDERSON,

Clerk of Assembly.

May 1, 1855.

Senate bill No. 68, An Act amendatory of an Act defining the time for commencing Civil Actions, passed April 22, 1850.

Taken up and indefinitely postponed.

Assembly bill No. 32, An Act to authorize J. R. N. Owen of Butte County to demand and collect Tolls on what is known as Owen's Turnpike.

Taken up, and,

On motion, laid on the table.

Assembly bill No. 124, An Act to authorize Joseph S. Wallis and Sarah Wallis to change the name of their infant son, Talbot Howard Green, to Talbot Howard Wallis.

Taken up, read third time and passed.

On motion of Mr. Mandeville, the Senate took up Assembly bill No. 101,

An Act supplementary to and amendatory of an Act entitled an Act to provide for the sale of the interest of the State of California in the property within the Water Line Front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, passed May 18, 1853.

The question being, "Shall the bill pass notwithstanding the veto of the Governor?"

Mr. Sprague moved a call of the Senate.

Upon which the ayes and noes were demanded by Messrs. Sprague, Mahoney and Day, with the following result:

#### AYES.

Messrs. Colby, Day, Flint, Hall, Hawks, Mahoney, McFarland, Sprague, Tuttle and Whiting—10.

#### NOES.

Messrs. Burton, Crenshaw, French, Gove, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McCoun, McGarry, McNeil, Norman, Rust, Scellen and Stebbins—18.

Mr. French demanded the previous question.

Sustained.

The previous question, "Shall the bill pass notwithstanding the objections of the Governor?"

Decided in the affirmative by the following vote:

#### AYES.

Messrs. Burton, Crenshaw, French, Gove, Hall Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McCoun, McGarry, McNeil, Norman, Rust, Scellen and Stebbins—20.

#### NOES.

Messrs. Colby, Day, De La Guerra, Hawks, Mahoney, McFarland, Sprague, Tuttle and Whiting—9.

So the bill was passed.

Senate bill No. — a bill for an Act to provide for the erection of additional Prison Buildings at Point San Quentin, and a wall around the same.

Read first time and laid over under the rule.

Mr. Moore presented the following minority report :

*Mr. President :*

The undersigned, member of the Committee on Morals and Police, on the subject of the bill amendatory of an Act to suppress Gaming, passed April 17, 1855, submits the following:

He believes that it is the duty of the Legislature to keep pace with public sentiment in the enactment of laws for the better preservation of public morals. In doing this the Legislature does not assume the office of a moral preceptor, but simply reflects the common sentiment of the community, and enforces individual obedience to it. He remembers no instance in which a people has been legislated into religion or morality; for all laws rely, in a free Government, upon the healthy tone of the community for their execution. He is convinced that public feeling is ripe for a rigorous beginning in the task of abolishing from the State the vice of Gaming, both in its more open and secret forms; but he begs to remind the Senate that the State has, heretofore, lent itself to the practice of this vice, and has placed the business of keeping tables for games of chance upon an equality with ordinary employments, and has, knowingly, for a long period, received large sums into its public treasury for licenses received from this source. These facts, taken in connection with the fact that the State has only recently discovered that it can no longer continue to collect licenses from this source under a recent decision of the Supreme Court, seem to indicate that the sudden absolute prohibition of the practice in form however retired from public notice, is dictated rather by a sense of loss in revenue, than by a moral sense against the practice.

He, therefore, believes that the wrong of licensing gaming tables, and the wrongful collection of large revenues from that source, can be best repaired, both in point of morals and justice, by allowing the subjects of this encouragement a reasonable time to conform to the provisions of an Act to which this Act is supplementary.

E. J. MOORE.

Mr. McNeil presented the following majority report:

*Mr. President :*

The Committee on Public Morals and Police have had under consideration Senate bill No. 219, An Act amendatory of an Act entitled an Act to suppress Gaming, passed April 17, 1855, and the majority of them recommend the indefinite postponement of the bill.

A. McNEIL.

Chairman.

Mr. Norman moved that the Chairman of the Committee on State Prison, Mr. Crenshaw, be requested to surrender to the Senate the testimony taken in relation to the management and government of the State Prison, and that the same is hereby ordered to be printed.

Mr. Mandeville moved to lay the motion on the table.

Lost.

On Mr. Norman's motion,

The ayes and noes were demanded by Messrs. Norman, McFarland and Mahoney, with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Gove, Hawthorne, Hook, Keene, Mahoney, McFarland, McNeil, Norman, Rust, Scellen, Sprague and Tuttle—17.



## NOES.

Messrs. French, Heintzelman, Leake, Mandeville, McCoun, McGarry and Whiting—7.

Mr. McFarland moved that the Secretary of State be required to report to this House the amount that has been appropriated during the present session of the Legislature.

Mr. Keene moved to amend by inserting "from the commencement of the State Government."

The ayes and noes were demanded by Messrs. Mahoney, Norman and Sprague, with the following result:

## AYES.

Messrs. Crenshaw, Day, French, Gove, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McCoun, McGarry, McNeil and Moore—14.

## NOES.

Messrs. Burton, Colby, Hall, Mahoney, McFarland, Norman, Rust, Scellen, Sprague, Tuttle and Whiting—11.

Mr. Leake moved to further amend by striking out "Secretary" and inserting "Governor."

Mr. Moore moved to lay the whole subject matter on the table.

The ayes and noes were demanded by Messrs. Hook, Norman and McFarland, with the following result:

## AYES.

Messrs. Colby, Day, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Kendall, Leake, McCoun, McGarry, Moore, Rust, Scellen, Tuttle and Whiting—17.

## NOES.

Messrs. Burton, Crenshaw, Flint, Hook, Keene, Mahoney, Mandeville, McFarland, McNeil, Norman and Sprague—11.

Mr. Leake moved to adjourn.

The ayes and noes were demanded by Messrs. Hawks, Hook and Moore, with the following result:

## AYES.

Messrs. Burton, Colby, French, Hall, Kendall, Leake, Mandeville, McCoun, McGarry, Rust, Scellen and Tuttle—12.

NOES.

Messrs. Crenshaw, Day, Gove, Hawks, Hawthorne, Heintzelman, Hook, Keene, Mahoney, McNeil, Moore, Norman, Sprague and Whiting—14.

Mr. Sprague moved that the Senate take a recess until half past seven, P. M.

On motion of Mr. Rust, the Senate adjourned.

SAM. PURDY,  
President of Senate.

C. DICKINSON,  
Secretary of Senate.

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## IN SENATE.

WEDNESDAY, May 2, 1855.

The Senate met pursuant to adjournment.

President pro tem (Mr. Sprague) in the Chair.

Prayer by the Rev. Mr. Benton.

The Journal of yesterday was read and approved.

Mr. Burton submitted the following report:

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed the following Acts:

An Act to take the sense of the People of this State, at the General Election in 1855, on the passage of a Prohibitory Liquor Law.

An Act to amend an Act entitled an Act defining the Time for commencing Civil Actions, passed April 22, 1850; and

An Act concerning State and Concerning State and County Treasurers.

E. F. BURTON.

Mr. Flint presented the following report:

*Mr. President :*

Your Committee on Claims have had under consideration the bill to pay H. Gibbons for taking care of seventy-eight Patients in the State Marine Hospital

during the month of May, and beg leave to report favorably and recommend its passage.

WILSON FLINT.

Mr. Flint presented the following report:

*Mr. President :*

Your Committee on Claims have had the bill for the Relief of Mrs. Annie V. R. Wells under consideration, and beg leave to recommend its passage.

WILSON FLINT,

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have considered Assembly bill No. 92, entitled An Act to regulate Proceedings for the Recovery of Real Estate, and have directed me to report the same back without amendment, recommending its indefinite postponement.

R. T. SPRAGUE.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 346, entitled An Act to amend an Act entitled an Act authorize the Formation of Corporations for the Construction of Plank or Turnpike Roads, passed May 12, 1853, and have instructed me to report the same back with amendments, recommending its passage as amended.

R. T. SPRAGUE.

Mr. Sprague presented the following report:

*Mr. President:*

The Judiciary Committee of the Senate have considered Assembly bill No. 370, entitled An Act to divide the Nineteenth Senatorial District in this State, and have directed me to report the same back, recommending that the same be indefinitely postponed.

R. T. SPRAGUE.

Mr. Sprague presented the following report:

*Mr. President :*

The Judiciary Committee of the Senate have considered Assembly bill No. 222, entitled An Act to amend an Act entitled an Act for the Relief of Insol-

vent Debtors and Protection of Creditors, passed May 4, 1852, and have directed me to report the same back without amendment, recommending that the same be indefinitely postponed.

R. T. SPRAGUE.

Mr. McFarland offered the following report:

*Mr. President:*

The Committee on State Hospitals, to whom was referred the petition of Dr. James S. Martin, with accompanying documents, praying the Legislature to pass an Act for his relief, for services rendered in keeping the "Sutter's Fort Hospital," in the years 1849 and 1850, beg leave to report the same back to the Senate and recommend that the prayer of the petitioner be not granted.

J. P. McFARLAND.

Mr. McGarry presented the following report:

*Mr. President:*

The Committee of Free Conference, on the disagreeing vote of the Senate and Assembly on Assembly bill No. 229, An Act to fix the Compensation of District Attorneys for the several Counties of this State, beg leave to report that they recommend that the Senate recede from the amendment of the first section, first line, and insert, in same line, after the word "San Francisco," "four thousand dollars."

ED. McGARRY,  
B. C. WHITING,  
B. F. KEENE.

The recommendations of the Committee were then concurred in.  
The Senate receded from its amendments to the first section.

Mr. Norman presented the following report:

*Mr. President:*

The Joint Committee on Enrollment have examined and find correctly enrolled the following Senate bills, to wit:

An Act to provide for settling the Boundary Line between the Counties of Santa Cruz, Santa Clara and San Francisco.

An Act to authorize the Supervisors of the County of Alameda to re-assess the Taxable Property remaining unpaid in said County, for the year 1854.

An Act providing for the Payment of Officers holding Elections, and for transmitting the Returns thereof.

An Act to appropriate Money to enable the Trustees of the Insane Asylum



to hold a Young Men's Book House and Library, and to purchase furniture for the Book Building at the same.

Respectfully submitted,

W. B. BOWMAN

Chairman.

Mr. Bowman presented the following report:

Mr. President:

The last committee on Publications have the the pleasure to the University for preparation the following Young Men's Book:

As they are the University have ordered the Council of Young Men's Book House and the Trustees.

The last committee on Publications of the Council of Alumni in response the University Trustees concerning request would Council for the year 1904.

As they are presenting the request to obtain Young Men's Book and for accepting the request would.

As they are appropriate request to obtain the Trustees of the Young Men's Book House and Library, and to purchase furniture for the Book Building at the same.

Respectfully submitted,

W. B. BOWMAN

Chairman.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly on yesterday passed the following bills:

Senate bill No. 227. The Act to amend an Act entitled an Act to be the Council for Young Men's Book of the University Council on Publications and Books passed May 17, 1904 with an amendment in Amendments.

Assembly bill No. 128. The Act to amend an Act.

That on Monday, the 1st inst., occurred in Senate Committee in Assembly bill No. 128. The Act to amend an Act to amend an Act entitled an Act to amend the Act of the Council of Young Men's Book, passed May 1, 1904.

J. W. BOWMAN

Assembly Clerk of Assembly

May 2, 1904.

Senate bill No. 227 was taken up.

Assembly amendments considered in

Assembly bill No. 228. The Act to amend an Act.

That bill and second time and referred to Judiciary Committee.

The Senate presented the following report:

*Mr. President:*

The Committee on Public Lands, to whom was referred a bill for An Act to encourage the Settlement and Secure Improvement on Wild and Unoccupied Lands, have considered the same and return it to the Senate without recommendation.

B. F. KEENE,  
Chairman.

The following communication from the State Treasurer was read:

STATE TREASURER'S OFFICE,  
Sacramento, May 2, 1855. }

*To the Hon. the President of the Senate :*

It becomes my duty to notify the members and officers of the Senate, that A. J. Butler has this day, at fifteen minutes before ten o'clock, A. M., caused a mandamus to be served upon me, as Treasurer of State, to show cause on the first Monday in June next, why I have refused to pay certain State Controller's Warrants owned and presented for payment by him on Tuesday, the 1st instant.

The said mandamus was issued by one of the Associate Justices of the Supreme Court, the Hon. Charles J. Bryan.

I have the honor to be, very respectfully,  
Your obt. servt.

S. A. McMEANS,  
State Treasurer.

Mr. Stebbins moved to take up the Governor's message relative to his appointments in San Francisco city,

Upon which the ayes and noes were demanded by Messrs. Mahoney, Stebbins and Rust, with the following result :

AYES.

Messrs. Colby, Gove, Hawks, Hawthorne, Mahoney, Peck, Rust, Sprague, and Stebbins—9.

NOES.

Messrs. Burton, French, Hook, Keene, Leake, Mandeville, May, McCoun, McGarry, McNeill, Norman, and Scellen—12.

So the Senate refused to take up the message.

Mr. McFarland moved that the Secretary of State be requested to furnish the Senate with a statement, showing the amount of money appropriated during the present session of the Legislature, and also specify the objects for which the same has been appropriated.

Agreed to.

Mr. Day presented the following report:

*Mr. President:*

The Committee on Internal Improvements, to whom was referred a bill for An Act to authorize Hugh Slicer, E. Steele, Charles McLaughlin, and Henry A. Lockhart, to construct a Wagon Road from Sacramento Valley to the town of Yreka, in Shasta Valley, and to regulate the tolls to be collected in the same, have had the same under consideration, and report the same back for the consideration of the Senate.

By order of the Committee.

S. DAY,  
Chairman.

The Senate took up Senate bill No. 245, An Act to provide for the erection of additional prison buildings at Point St. Quentin, and a wall around the same.

Read second time, and referred to Joint Select Committee.

Assembly bill No. 120, An Act to create a Board of Supervisors in the Counties of Monterey, Santa Clara, Santa Cruz, Yolo, Tulare, Stanislaus, San Bernardino, Santa Barbara, San Luis Obispo, Butte, Mariposa, and Humboldt, and to define their duties and powers.

Taken up, and,

On motion, indefinitely postponed.

Assembly bill No. 135, An Act supplemental to an Act to regulate Elections passed March 23, 1850.

Read third time and passed.

Mr. Whiting presented the following report:

*Mr. President:*

The undersigned, members of the Judiciary Committee, have had under consideration Assembly bill No. 118, An Act to amend an Act entitled an Act concerning fraudulent Conveyances and Contracts, passed April 19, 1850, and respectfully report the same back, with a recommendation that all after the enacting clause be stricken out, and the accompanying substitute adopted in its stead; and they further recommend the passage of the bill as thus amended.

B. C. WHITING,  
G. D. HALL,  
W. W. HAWKS.

Mr. Sprague presented the following minority report:

*Mr. President:*

The Judiciary Committee of the Senate have had under consideration Assembly bill No. 118, for An Act to amend an Act concerning fraudulent Conveyances and Contracts, passed April 19, 1850, and a minority of said Committee ask leave to report the same back to the Senate, and recommend its indefinite postponement.

R. T. SPRAGUE,  
CHAS. A. LEAKE,  
JNO. T. CRENSHAW.

The following bills were referred to the Judiciary Committee .

Substitute for Senate bill No. 50, An Act amendatory of and supplementary to an Act amendatory of and supplementary to an Act entitled an Act concerning Courts of Justice in this State and Judicial Officers, passed May 19, 1853, passed May 15, 1854.

Senate bill No. 43, An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1850.

Assembly bill No. 108, An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Assembly bill No. 29, An Act to amend an Act concerning Courts of Justice in this State and Judicial Officers, passed May 19, 1853.

Assembly bill No. 138, An Act concerning private Seals.

On motion, indefinitely postponed.

Assembly bill No. 188. An Act to provide temporarily for a Board of Supervisors for the County of El Dorado.

On motion, indefinitely postponed.

Assembly bill No. 28, and substitute, An Act proposing to the Seventh Legislature amendments to the Constitution of the State of California.

On motion, indefinitely postponed.

Assembly bill No. 80 An Act for the support and maintenance of the Indigent Sick of Calaveras County.

On motion indefinitely postponed.

Assembly bill No. 12, An Act to create a Board of Supervisors for the County of Shasta, and to define their duties and powers.

On motion, indefinitely postponed.

Assembly bill No. 226, An Act concerning Attachments, where the people of the State are plaintiffs.

On motion, indefinitely postponed.

Assembly bill No. 203, An Act to incorporate the town of Martinez

On motion, indefinitely postponed.

Assembly bill No. 53, An Act to authorize John Horner, and others, to construct a Lock on Alameda river, in the County of Alameda.

On motion, indefinitely postponed.

Assembly bill No. 181, An Act to provide for Funding the Floating Debt of the City of San Francisco, and for the extinguishment thereof.

On motion of Mr. Moore, was laid temporarily on the table.

Assembly bill No. 186, An Act to provide for the erection of a Jail in the County of San Luis Obispo.

Read a third time, and passed.

Assembly bill No. 210, An Act to amend the Twenty-first Section of an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April 14, 1853.

On motion, referred to the Committee on Corporations.

Senate bill No. 78, An Act to amend an Act entitled an Act concerning Conveyances, passed April 16, 1850.

Taken up, and,

On the motion of Mr. McFarland to indefinitely postpone, the ayes and noes were demanded by Messrs. Colby, De La Guerra and Tuttle, with the following result:

AYES.

Messrs. Burton, Crenshaw, Day, De La Guerra, Flint, Hall, Hawks, Haw-



thorne, Keene, Lippincott, Mandeville, May, McCoun, McFarland, McGarry, McNeil, Moore, Norman, Peck, Rust, Scellen, Sprague Stebbins, Tuttle and Whiting—25.

NOES.

Messrs. Colby, French and Gove—3.

So the bill was indefinitely postponed.

Senate bill No. 40, a bill for an Act to provide for taking the Second Census as provided in article four, section twenty-eight, of the Constitution of the State of California.

Taken up.

Considered as in Committee of the Whole.

After some time spent therein, rose, and reported the same back without amendment.

Mr. Hawks moved to strike out "Governor" and insert "Supervisors."

Upon which the ayes and noes were demanded by Messrs. Hawks, Mandeville and Scellen, with the following result:

AYES.

Messrs. Burton, Flint, Hawks, Hawthorne, Hook, Kendall, Leake, Mandeville, May, McCoun, McGarry, Peck and Scellen—13.

NOES.

Messrs. Colby, Crenshaw, Day, De La Guerra, French, Gove, Hall, Keene, Lippincott, Mahoney, McFarland, McNeil, Moore, Norman, Rust, Sprague, Tuttle and Whiting—18.

Mr. Mandeville moved to strike out Governor and insert Assessor.

Lost.

Mr. Mandeville moved that the bill be laid on the table.

Upon which the ayes and noes were demanded by Messrs. Hawks, Scellen and Mandeville, with the following result:

AYES.

Messrs. Burton, Day, De La Guerra, Flint, Hawks, Hawthorne, Leake, Mandeville, McCoun, McGarry, McNeil, Peck, Scellen and Stebbins—13.

NOES.

Messrs. Colby, Crenshaw, French, Gove, Hook, Keene, Kendall, Lippincott, Mahoney, May, McFarland, Norman, Rust, Sprague, Tuttle and Whiting—16.

Mr. Keene moved to strike out all after the enacting clause, and insert an Act to enumerate the inhabitants of California, approved May 4, 1852, be and the same is hereby repealed.

Upon which the ayes and noes were demanded by Messrs. Tuttle, Peck and Mandeville, with the following result:

## AYES.

Messrs. Crenshaw, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Keene, Leake, Mahoney, McGarry, McNeil, Peck and Tuttle—15.

## NOES.

Messrs. Burton, Colby, Day, De La Guerra, Kendall, Lippincott, Mandeville, May, McCoun, McFarland, Norman, Rust, Scellen, Sprague and Whiting—15.

Mr. Mandeville moved that the bill be referred to the Committee on Public Lands, with instructions to report to-morrow.

Agreed to.

Senate bill No. 55, An Act to provide for taking the Second Census.

On motion, referred to the Committee on Public Lands with instructions to report the same back to-morrow.

Senate bill No. 122, substitute for Assembly bill No. 87, An Act to provide for the better regulation of Steamboats navigating the waters of this State, and to define the liability of owners thereof.

Taken up, read a third time and passed.

Senate bill No. 106, An Act for the Relief of Wheeler and Morgan.

Taken up, and,

On motion, was indefinitely postponed.

Senate bill No. 110, An Act to appropriate moneys for the Relief of Julius C. Power.

Taken up, and,

On motion to indefinitely postpone, the ayes and noes were demanded by Messrs. McCoun, Rust and Scellen, with the following result:

## AYES.

Messrs. Burton, Colby, De La Guerra, Gove, Hawks, Hawthorne, Mandeville, McFarland, McNeil, Rust, Scellen, Sprague, Tuttle and Whiting—13.

## NOES.

Messrs. Crenshaw, Day, Hook, Keene, Kendall, Leake, McCoun, McGarry, Norman and Peck—10.

Assembly bill No. 43, a bill for an Act to provide for the care and support of persons arriving in the Harbor of San Francisco laboring under Contagious or Infectious Diseases.

Taken up, and,

On motion, indefinitely postponed.

Senate bill No. 131, An Act for the construction of a Toll-Bridge across the Middle Yuba River.

Taken up, and,

On motion, indefinitely postponed.

Senate bill No. 139, An Act to amend section 40 of an Act entitled an Act for the Incorporation of Railroad Companies, passed April 22, 1853.

Taken up, and,

On motion, indefinitely postponed.

Senate bill No. 62, An Act concerning the Patients now in the State Marine Hospital at San Francisco.

Taken up and indefinitely postponed.

Senate bill No. 46, An Act concerning the Patients now in the State Marine Hospital at San Francisco.

Taken up, and,

On the motion of Mr. McFarland that the same be indefinitely postponed, the ayes and noes were demanded by Messrs. Mahoney, Hawks and McGarry, with the following result:

AYES.

Messrs. Burton, Day, French, Hawthorne, Hook, Keene, Kendall, Mandeville, McFarland, McGarry, Norman, Scellen, Sprague and Tuttle—13.

NOES.

Messrs. Colby, De La Guerra, Flint, Gove, Hall, Hawks, Lippincott, Mahoney, McCoun, McNeil, Moore, Peck, Rust and Stebbins—14.

Senate bill No. 144, substitute to Assembly bill No. 181, An Act to authorize the Tax Collector of San Francisco to receive the legally issued Warrants of said City in payment for taxes, licenses and debts due the City.

Taken up, and,

On motion, was indefinitely postponed.

Mr. Tuttle moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. McGarry, Mahoney and Colby, with the following result:

AYES.

Messrs. Burton, Hall, Mandeville, Scellen, Sprague and Tuttle—6.

NOES.

Messrs. Colby, Crenshaw, De La Guerra, Flint, French, Gove, Hawks, Hawthorne, Hook, Kendall, Lippincott, McCoun, McFarland, McGarry, McNeil, Moore, Rust, Stebbins and Whiting—19.

Assembly bill No. 326, An Act to authorize J. R. H. Owen, of Butte county, to demand and collect tolls on what is known as Owen's Turnpike.

On motion, laid on the table.

Assembly bill No. 343, An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in Courts of Justice of this State.

Read third time and passed.

Senate bill No. 215, substitute for Senate bill No. 184, An Act amendatory of and supplementary to an Act to regulate Proceedings in Cases in the Courts of Justice of this State, passed April 29, 1851.

Taken, section 3 stricken out, read third time and passed.

Assembly bill No. 355, An Act to provide for the appointment of a Reporter of the Decisions of the Supreme Court, and for the publication of the same.

Taken up, and considered as in Committee of the Whole, and,

On motion of Mr. Norman, the Committee rose, and reported the bill back without recommendation.

Mr. Norman moved that the bill be indefinitely postponed.

Mr. Stebbins moved the previous question.

The question then being, Shall the main question now be put ? it was decided in the affirmative.

The question being, Shall the bill be indefinitely postponed ?

Mr. Sprague rose to a point of order: That, as Committee amendments were pending, the question should be on their acceptance or rejection before the motion to indefinitely postpone.

The Chair, Mr. Hawks, decided the point of order not well taken.

Mr. Sprague appealed from the decision of the Chair.

The question then being, Shall the decision of the Chair stand as the judgment of the Senate ?

It was decided in the negative.

The question then recurring on the amendment to section 1, offered by the Committee, the ayes and noes were demanded by Messrs. Sprague, McGarry, and Leake, with the following result:

AYES.

Messrs. Colby, Crenshaw, Day, French, Gove, Hawks, Keene, Leake, Lippincott, McNeill, Moore, and Sprague—12.

NOES.

Messrs. Burton, Flint, Hawthorne, Hook, Mandeville, McCoun, McFarland, McGarry, Norman, Peck, Rust, Scellen, Stebbins, and Tuttle—14.

The amendments offered by the Judiciary Committee were then read, and severally rejected.

On the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Sprague, McGarry, and Leake, with the following result:

AYES.

Messrs. Burton, Flint, Gove, Hawthorne, Hook, Mandeville, McCoun, McGarry, Norman, Peck, Rust, Scellen, Sprague, Stebbins, and Tuttle—15.

NOES.

Messrs. Colby, Crenshaw, Day, De La Guerra, French, Hall, Hawks, Keene, Leake, Lippincott, and Moore—11.

Mr. Sprague moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Stebbins, McGarry, and Rust, with the following result:

AYES.

Messrs. Burton, Crenshaw, Day, De La Guerra, Flint, Hall, Leake, Mandeville, McFarland, McGarry, McNeill, Peck, Rust, Scellen, Sprague, and Tuttle—16.



NOES.

Messrs. Colby, French, Gove, Hawks, Hawthorne, Hook, Keene, Lippincott, McCoun, Moore, Norman, and Stebbins—12.

So the Senate adjourned.

SAM. PURDY,  
President of Senate.

C. DICKINSON,  
Secretary of Senate.

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### IN SENATE.

THURSDAY, May 3, 1855.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Benton.

The Journal of yesterday was read and approved.

Mr. Burton presented the following report :

*Mr. President :*

The Committee on Engrossment have examined and find correctly engrossed An Act to provide for the better Regulation of Steamboats navigating the Waters of this State, and to define the Liability of Owners thereof.

Also, An Act amendatory of and supplementary to an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851.

E. F. BURTON.

Mr. Day presented the following report:

*Mr. President:*

The Committee on Internal Improvements, to w<sup>h</sup>om was referred the Memorial of Wm. Neall Walton on the subject of introducing camels and dromedaries into California, and employing them for transportation across the deserts intervening between California and the Eastern States, also Senate bill No. 229, An Act to encourage Immigration and to facilitate Inter-Oceanic Communication, have had the same under consideration, and ask leave to report as follows :

The object designed to be attained by the memorial and the bill is one which

eminently merits the fostering care of the Legislature. Although to some minds it may seem to be surrounded with such obstacles as to make it appear impracticable, yet this should not deter us from the attempt when we reflect that our most common and useful domestic animals, especially the horse and the ox, were not natives of this continent, but accompanied the colonists of Spain and England in their immigration. The Aztecs, who had arrived at a high degree of luxury and civilization in Mexico, were strangers to the horse until they encountered it, and dreaded it as a demi-god in their battles with Fernando Cortez.

There are two kinds of camel, the camel proper, which has two bunches, and is more extensively used in the desert steppes of Central Asia, between the Caspian Sea and China, and between latitudes of 35 degrees and 45 degrees north latitude, and the dromedary camel, which has only one bunch, is more light and fleet than the other, and is in extensive use throughout Arabia, Syria, Persia and the north of Africa. Cuvier says the camel with two bunches succeeds best in humid soils; it is larger and stronger than the other. The camel with one bunch is most remarkable for its sobriety. The dromedary is properly a lighter variety, and more fitted for expedition.

There is a great similarity between the physical formation of Central Asia, where the camel is used, and that of the interior of our own continent, from the frontier of Arkansas to the Sierra Nevada. That part of Asia lies between the 35th and the 45th degrees of north latitude. There is also a great resemblance between the climate and topography of California and Syria, where the camel is successfully reared; and there is every reason to believe that we could rear them upon our southern ranches as easily as any other animals. Should this fact be well tested, we might then procure our stock for breeding across the Pacific directly from India, Arabia or China. The power possessed by the camel of long abstinence from drink, will render him invaluable in crossing our alkaline and arid deserts of Utah and New Mexico. He also possesses another quality eminently valuable, which is thus described by Major C. H. Smith, of the British army:

"The camel sees and hears well, but of all his senses that of smell is the most acute; by this beneficent provision, when long deprived of water, he will snuff the air and discover its presence at the distance of more than two miles, and, disregarding all opposition, will obtain it, stirring the water with his feet to a state of mud before he drinks. By this faculty of the camel whole caravans are sometimes saved from destruction; so that it is not only eminently useful to himself, but of the most vital importance to all who share his dangers and fatigues."

At this late period of the session, your Committee will not dilate either upon the importance of encouraging the introduction of the camel, nor upon its natural history, uses and habits. The subject has been ably and fully treated by Mr. Gwinn Harris Heap, the journalist of Lieut. Beale's late expedition over the "central route" across our continent, and the Committee have appended to this report an extract from the Appendix to that work, which extract, they hope, may be printed for circulation by Senators. It possesses the more value from the fact that Mr. Heap was for some years a resident of Tunis, in Northern Africa, and is, therefore, practically familiar with the habits of the camel, and fully capable by his recent explorations, of judging of its adaptation to the purposes of our interior travel.

Senators and others who desire more closely to investigate this subject, are referred to "Cuvier's Animal Kingdom," pages 4 and 5, and 37 to 50, where will be found an interesting note by Major Charles Hamilton Smith, containing a fund of zoological, historical and practical information on this subject; also to the article "Camel," in Lieber's *Encyclopedia Americana*, Vol. 2.

In relation to the bill referred to the Committee, it has been deemed best to

present a substitute, which is herewith submitted, the reasons for which will be explained verbally by the Chairman of the Committee, when the bill comes before the Senate for consideration.

All of which is respectfully submitted.

By order of the Committee,

S. DAY,  
Chairman.

Accepted.

On motion, 500 copies ordered printed.

Mr. Whiting presented the following report:

*Mr. President:*

The Judiciary Committee, to whom was referred Assembly bill No. 351, An Act to legalize the City Assessments of the City of San Francisco for the Fiscal Year 1854-5, report the same back without amendment and recommend its passage.

B. C. WHITING.  
Chairman pro tem.

Mr. Keene presented the following report:

*Mr. President:*

The Committee on Public Lands, to whom was referred a bill for An Act to provide for taking the second Census, also a bill for An Act to provide for taking the second Census as provided for in Article four Section twenty-eight of the Constitution of the State of California, have considered the same, and I am directed by the Committee to submit the accompanying substitute bill to the favorable consideration of the Senate.

B. F. KEENE,  
Chairman.

Senate bill No. 163, An Act to amend an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed May 1, 1851, was taken up.

Read third time and passed.

Senate bill No. 170, An Act for the Relief of Richard C. Barry, was taken up.

Mr. McGarry moved that the bill be indefinitely postponed.

The ayes and noes were demanded by Messrs. McFarland, Hawthorne and Whiting, with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, Hawks, Hawthorne, Keene, May, McFarland, McGarry, McNeil, Scellen, Sprague and Whiting—14.

## NOES.

Messrs. Flint, French, Kendall, Mandeville, Peck, Rust and Tuttle—7.

So the bill was indefinitely postponed.

Mr. Hawks presented the following report:

*Mr. President :*

The Committee to whom was referred An Act explanatory of and supplementary to an Act entitled an Act to re-incorporate the City of San Francisco, report that they have had the same under consideration, and offer the following substitute and recommend its adoption.

W. W. HAWKS.

Mr. McFarland presented the following report:

*Mr. President:*

The undersigned, three of the Committee appointed by a concurrent resolution of the Senate and Assembly to report a bill relating to the management of the State Prison, beg leave to report that they have given the subject due consideration, and have carefully prepared a bill, which they report to the Senate as a substitute for Senate bill No. 245, and recommend its passage.

J. P. MCFARLAND,  
Chairman.

J. W. MANDEVILLE,  
JNO. D. SCHELLEN.

Mr. McGarry presented the following report:

*Mr. President:*

The Committee on Contingent Expenses, to whom was referred the bill of Hiller & Andrews, of \$360, for the clock now in use in the Senate Chamber, have examined the same, and find that the Secretary of State, by order of the Senate, purchased said clock, for which they claim the above amount, and have instructed me to report the same back and recommend the payment of \$314.

All of which is respectfully submitted,

ED. MCGARRY,  
Chairman.

The following message was received from the Governor:



EXECUTIVE DEPARTMENT,  
Sacramento, May 2, 1855. }

*To the Senate of California :*

I have this day approved the following Acts which originated in the Senate, viz :

An Act to authorize the Supervisors of the County of Alameda to assess the Taxable Property on which the Taxes remain unpaid, in said County, for the year 1854.

An Act providing for the Payment of Officers holding Elections, and for transmitting the Returns thereof.

An Act to provide for settling the Boundary Line between the Counties of Santa Cruz, Santa Clara and San Francisco.

JOHN BIGLER.

The following message was received from the Assembly:

*Mr. President:*

The Assembly, on yesterday, passed Senate bill No. 190, An Act to take the sense of the People of this State at the General Election in A. D. 1855, on the passage of a Prohibitory Liquor Law.

J. W. SCOBEEY,  
Assistant Clerk Assembly.

May 3, 1855.

Mr. Crenshaw presented the following report:

*Mr. President:*

In accordance with the request of the Senate, I called upon the Clerk of the Assembly for the testimony taken by the State Prison Committee, and was informed by him that it had been referred to a Committee of that body, and the Chairman of that Committee declined letting me have the testimony.

Respectfully, &c,

JNO. T. CRENSHAW,  
Chairman State Prison Com.

Assembly bill No. 32, An Act to authorize J. R. H. Owen, of Butte County, to demand and collect tolls on what is known as Owen's turnpike, was taken up by unanimous consent.

Amendment of Committee adopted.

Mr. May moved that the bill be indefinitely postponed.

Lost.

The bill was then read a third time.

On its final passage, the ayes and noes were demanded by Messrs. May, Mandeville and Burton, with the following result :

## AYES.

Messrs. Colby, Day, Flint, French, Hall, Hawks, Hook, Kendall, May, McCoun, McFarland, McGarry, Moore, Peck, Rust, Sprague and Whiting—17.

## NOES.

Messrs. Burton, Hawthorne, Keene, Mandeville and Tuttle—5.

Senate bill No. 173, An Act to encourage the working of Mines of Precious Metals in this State.

Taken up.

Mr. Burton moved that the bill be indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. Tuttle, Lippincott, and French, with the following result:

## AYES.

Messrs. Burton, Colby, Hawthorne, May, McFarland, McGarry, McNeill, Peck, Sprague, and Whiting—10.

## NOES.

Messrs. Crenshaw, Day, French, Gove, Hall, Hawks, Hook, Kendall, Lippincott, Mandeville, Norman, Rust, Stebbins, and Tuttle—14.

The bill was then read third time and passed.

By unanimous consent, Mr. Heintzelman introduced a bill entitled An Act to repeal an Act concerning the Collection of Taxes now due in the County of Marin.

Read first and second time.

Rules suspended.

Read third time and passed.

Mr. Mahoney presented the following report:

*Mr. President:*

The Committee on Commerce and Navigation, to whom was referred Assembly bill for An Act to authorize Benjamin F. Forsyth to build a Wharf in the County of Solano, have considered the same, and instructed me to report the bill back and recommend its passage.

D. MAHONEY.

The Senate took up Senate bill No. 168, An Act to define the Boundary between the Counties of Santa Clara and Alameda, and to provide for the Survey of a portion thereof.

On motion, the bill was indefinitely postponed.

Senate bill No. 88, An Act for the Relief of Luther Wright.

On motion of Mr. Mandeville, indefinitely postponed.

Mr. Crenshaw presented the following report:

*Mr. President:*

The Committee on Corporations, to whom was referred the bill entitled An Act to amend the Twenty-first Section of an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April 14, 1853, have had the same under consideration, and herewith report the same back to the Senate, and recommend its passage.

JNO. T. CRENSHAW.

Senate bill No. 138, An Act to authorize S. D. Hill and G. Webber to construct a Toll Bridge across the North Fork of the Yuba River.

Taken up, read, and,

On motion, indefinitely postponed.

Senate bill No. 121, An Act to prohibit all Persons of Foreign Birth, who are not eligible to Citizenship, from working or occupying the Mineral Lands of this State.

On motion, indefinitely postponed.

Senate bill No. 104, An Act to provide for the erection of the State House of California.

On motion, indefinitely postponed.

Senate bill No. 130, An Act for the Settlement of the Account of F. J. A. Chambers & Co., for furnishing Capitol building at Vallejo, in December, A. D. 1851.

Taken up.

Mr. Leake moved a call of the Senate.

Agreed to.

The following Senators were found absent without leave:

Messrs. Hawks, Heintzelman, Mahoney, and Moore.

On motion of Mr. McGarry, further proceedings under the call were dispensed with

Mr. McGarry demanded the previous question.

Sustained.

The question being, Shall the main question now be put?

It was decided in the affirmative.

The question then being on the adoption of the amendment offered by the Committee, the same was agreed to.

On the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Burton, Tuttle, and McCoun, with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, Flint, Hawks, Hook, Kendall, Lippincott, Mandeville, May, McFarland, McGarry, McNeill, Sprague, Stebbins, Tuttle, and Whiting—18.

NOES.

Messrs. De La Guerra, French, Gove, Hall, Hawthorne, Leake, McCoun, Norman, Peck, Rust, and Scellen—11.

So the bill was indefinitely postponed.

Mr. Tuttle moved that a Committee of three be appointed to look after a lost bill.

Carried.

The President pro tem. appointed, as such Committee, Messrs. Tuttle, Crenshaw, and Leake.

Senate bill No. 70, An Act for the better Preservation of the Gold Mines in California, was taken up.

On motion, indefinitely postponed.

Senate bill No. 183, An Act to amend an Act entitled an Act to authorize the Formation of Corporations for the Construction of Plank or Turnpike Roads, passed May 12, 1853, was taken up.

On motion, indefinitely postponed.

On motion of Mr. Keene, the Senate took up State Prison bill (No. 245) and two substitutes for the same, reported by the Committee this morning.

Agreed to.

The substitute offered by Mr. McFarland was taken up and considered.

Mr. McCoun moved the previous question.

Sustained.

The question being, shall the main question be put?

It was decided in the affirmative.

The question then being on the adoption of the substitute offered by Mr. McFarland,

The ayes and noes were demanded by Messrs. Tuttle, Mandeville and McFarland, with the following result:

#### AYES.

Messrs. Burton, Colby, De la Guerra, Mahoney, Mandeville, McFarland, Scellen, Sprague and Tuttle—9.

#### NOES.

Messrs. Crenshaw, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, May, McCoun, McGarry, Norman, Peck, Rust, Stebbins and Whiting—19.

Mr. Burton moved a call of the Senate.

Lost.

Mr. McCoun moved to adopt the substitute offered by Mr. Keene, and demanded the previous question.

Carried.

The question being shall the main question be put?

The ayes and noes were demanded by Messrs. Tuttle, Norman and Sprague, with the following result:

#### AYES.

Messrs. Colby, Crenshaw, Day, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, May, McCoun, McGarry, Peck, Rust, Stebbins and Whiting—20.



## NOES.

Messrs. Burton, Hall, Mandeville, McFarland, Norman, Scellen, Sprague and Tuttle—8.

The main question being on the adoption of the substitute offered by Mr. Keene,

The ayes and noes were demanded by Messrs. French, De La Guerra and Sprague, with the following result:

## AYES.

Messrs. Colby, Crenshaw, Flint, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, May, McCoun, McGarry, Peck, Rust, Stebbins and Whiting—20.

## NOES.

Messrs. Burton, De La Guerra, Mahoney, Mandeville, McFarland, Norman, Scellen, Sprague and Tuttle—9.

The substitute was adopted.

Mr. Tuttle moved to adjourn.

The ayes and noes were demanded by Messrs. McFarland, De la Guerra and Moore, with the following result:

## AYES.

Messrs. Burton, De La Guerra, Flint, Lippincott, Mahoney, Norman, Scellen, Sprague and Tuttle—9.

## NOES.

Messrs. Colby, Crenshaw, Day, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, May, McCoun, McFarland, McGarry, McNeil, Peck, Rust and Whiting—22.

On the consideration of the substitute, the Chair (Mr. Hall) ruled that, although the original bill had been read twice, the substitute must go through its regular readings, the same as the original bill.

Mr. Moore appealed from the decision of the Chair.

The question then being, shall the decision of the Chair stand as the judgment of the Senate?

The ayes and noes were demanded by Messrs. Sprague, Hawks and Moore, with the following result:

## AYES.

Messrs. Burton, De La Guerra, Gove, Lippincott, Mahoney, Norman, Scellen, Sprague and Tuttle—9.

## NOES.

Messrs. Crenshaw, Day, French, Hawks, Hawthorne, Heintzelman, Keene,

Kendall, Leake, Mandeville, May, McCoun, McGarry, McNeil, Moore, Peck, Rust, and Whiting—18.

The substitute was then considered as in Committee of the Whole.

After some time spent therein, Mr. Tuttle moved that the Committee rise.

Lost.

Mr. Heintzelman moved that the Committee rise and report the bill back to the Senate.

Carried.

Mr. Mahoney moved that the bill be read by sections.

Mr. Leake demanded the previous question.

Mr. Scellen moved that the Senate adjourn.

The ayes and noes were demanded by Messrs. Hawks, French and Sprague, with the following result :

#### AYES.

Messrs. Burton, Day, De La Guerra, Flint, Mahoney, Mandeville, McFarland, McNeil, Norman, Scellen, Sprague, Tuttle—12.

#### NOES.

Messrs. Colby, Crenshaw, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, May, McCoun, McGarry, Peck, Rust and Whiting—18.

The question being on the demand for the previous question, it was decided in the affirmative.

The question then being, Shall the main question now be put ? it was decided in the affirmative.

The main question being on the motion offered by Mr. Mahoney, the ayes and noes were demanded by Messrs. Mahoney, Sprague, and McGarry, with the following result :

#### AYES.

Messrs. Burton, Colby, Day, De La Guerra, Flint, Gove, Hall, Lippincott, Mahoney, Mandeville, McNeil, Norman, Scellen, Sprague, and Tuttle—15.

#### NOES.

Messrs. Crenshaw, French, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, May, McCoun, McGarry, Peck, Rust, and Whiting—15.

Mr. Sprague offered the following additional section :

Mr. McGarry demanded the previous question.

Sustained.

The question being, Shall the main question now be put ?

It was decided in the affirmative.

The question then being on the adoption of the additional section offered by Mr. Sprague, it was adopted.

On the motion to concur on the amendments offered by the Committee, the ayes and noes were demanded by Messrs. McGarry, French, and Mahoney, with the following result :

## AYES.

Messrs. Colby, Crenshaw, Day, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, May, McCoun, McGarry, McNeil, Norman, Peck, Rust, Sprague, and Whiting—23.

## NOES.

Messrs. Burton, Flint, Mahoney, Mandeville, McFarland, Scellen, and Tuttle—7.

On the motion that the bill be engrossed for a third reading to-morrow, the ayes and noes were demanded with the following result :

## AYES.

Messrs. Colby, Crenshaw, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, May, McCoun, McGarry, Peck, Rust, and Whiting—18.

## NOES.

Messrs. Burton, Day, Flint, Lippincott, Mahoney, Mandeville, McFarland, McNeil, Norman, Scellen, Sprague, and Tuttle—12.

Mr. Burton moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Whiting, Burton, and Kendall, with the following result :

## AYES.

Messrs. Burton, Day, Flint, Mahoney, Mandeville, May, McFarland, McNeil, Norman, Scellen, Sprague, and Tuttle—12.

## NOES.

Messrs. Colby, Crenshaw, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, McCoun, McGarry, Peck, Rust, and Whiting—17.

Mr. Peck moved to take a recess until 8 o'clock, P. M.

Upon which the ayes and noes were demanded by Messrs. Lippincott, McGarry, and May, with the following result :

## AYES.

Messrs. Colby, Crenshaw, French, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, McCoun, McGarry, Peck, Rust, and Whiting—16.

## NOES.

Messrs. Burton, Day, Flint, Gove, Mahoney, Mandeville, May, Norman, Scellen, Sprague, and Tuttle—11.

8 o'clock, P. M.—The Senate met pursuant to adjournment.  
President pro tem. in the chair.  
On motion of Mr. Tuttle, the Senate adjourned.

SAM. PURDY,  
President of Senate.

C. DICKINSON,  
Secretary of Senate.

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IN SENATE.

FRIDAY, May 4, 1855.

The Senate met pursuant to adjournment.  
The President in the chair.  
Prayer by the Rev. Mr. Benton.  
The Journal of yesterday was read and approved.

Mr. Burton presented the following report.

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed An Act to provide for the Occupation of the State Prison convicts.

E. F. BURTON.

Mr. Flint presented a bill that should have accompanied the report of Committee on Claims, on the accounts of Mr. J. F. Hone.  
Accepted.

Mr. Sprague offered the following report:

*Mr. President:*

The Judiciary Committee have considered Senate bill No. 50, and a substitute for the same.

Assembly bills No. 29, No. 108 and No. 215, all amending An Act concerning Courts of Justice in this State and Judicial Officers, passed May 19, 1853, and have directed that the same be reported back, with a recommendation that they be indefinitely postponed.

Senate bill No. 43, with amendments, and recommend that as amended it be substituted for said Senate and Assembly bills and passed.

R. T. SPRAGUE.



Mr. Sprague offered the following report :

*Mr. President:*

The Judiciary Committee of the Senate have considered Assembly bill No 389, entitled An Act to enable certain Personal Representatives and next of Kin of Deceased Persons to maintain Civil Actions in certain cases, and have directed me to report the same back without amendments, recommending its passage.

R. T. SPRAGUE.

Mr. Sprague presented the following report :

*Mr. President:*

The Judiciary Committee of the Senate have considered the Assembly bill No. 316, entitled An Act in relation to Escheats, and have directed me to report the same back without amendments, recommending its indefinite postponement.

R. T. SPRAGUE.

Mr. Sprague offered the following report :

*Mr. President:*

The Judiciary Committee of the Senate have considered Assembly bill No 381, entitled An Act to amend the 3d Section of the Act concerning Forcible Entries, and have directed me to recommend its passage without amendments.

R. T. SPRAGUE.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed :

An Act to amend an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed May 1, 1851.

An Act to encourage the Working of Mines of Precious Metals in this State.

G. W. COLBY,  
Chairman.

Mr. McGarry presented the following report:

*Mr. President:*

The Committee on Contingent Expenses, to whom was referred the account of San Joaquin Republican, for 15 dailies furnished Senators, by order, \$127 50—

have had the same under consideration, find it correct, and have instructed me to report the same back and recommend its payment.

All of which is respectfully submitted,

ED. MCGARRY,  
Chairman.

Report accepted and account ordered paid.

Mr. Norman presented the following report:

*Mr. President:*

The Joint Committee on Enrollments have examined and found correctly enrolled the following Senate bills :

Senate bill No. 227 substitute for Assembly bill No. 332, An Act to amend an Act entitled an Act to fix the Times of holding the Terms of the District Courts throughout this State, passed May 18, 1853.

An Act to take the Sense of the People of this State at the General Election in A. D. 1855, on the passage of a Prohibitory Liquor Law.

W. B. NORMAN,  
Chairman.

May 4, 1855.

Mr. Norman submitted the following report:

*Mr. President :*

The Joint Committee on Enrollment have, this day, presented to the Governor, for his signature, the following Acts :

An Act to amend an Act entitled an Act to fix the Times of holding the Terms of the District Courts throughout this State, passed May 18, 1853.

An Act to take the sense of the People of this State at the General Election in A. D. 1855, on the passage of a Prohibitory Liquor Law.

W. B. NORMAN.  
Chairman.

May 4, 1855.

Mr. Crenshaw presented the following report :

*Mr. President:*

I have received the testimony taken by the Committee on State Prison, from the Chairman of House Committee, and herewith report it to the Senate, in obedience to their request.

JNO. T. CRENSHAW,  
Chairman of State Prison Committee.

Mr. Whiting presented the following report:

*Mr. President :*

The Committee of Free Conference appointed to examine Assembly bill No. 352 and Senate substitute for the same, An Act to establish a Boundary Line between the Counties of Stanislaus and Tuolumne, have had the same under consideration, and unanimously agree to amend the Assembly bill by adding Section 34, which is hereto annexed. The majority of said Committee recommend the passage of the Assembly bill as amended.

Your Committee would further report :

That they have been unable to ascertain the amount of taxable property proposed to be taken from Tuolumne County, and ask to be discharged from the further consideration of the subject.

B. C. WHITING,

Chairman.

W. H. McCOUN,

C. W. COOK,

Chairman Assembly Committee.

P. L. EDWARDS.

Section 3. The Assessor of the County of Stanislaus shall make return to the Supervisors of Stanislaus County of the number of inhabitants and taxable property at the time of the passage of this Act, between the line heretofore surveyed by the Surveyor of Stanislaus County, and the number and value so ascertained shall form the basis for so much of the county debt as shall be assumed by the County of Stanislaus and paid to the County of Tuolumne in manner prescribed by law.

Mr. Kendall presented the following report:

*Mr. President :*

The minority of the Joint Committee of Free Conference, ask leave to report as follows :

*Mr. President :*

That we are deeply sensible of the fact that the citizens of the disputed territory will receive at the hands of the Legislature, should the bill pass, compelling them to become citizens of Stanislaus without their will or consent, and will ever treat the same as an outrage of their rights.

THOS. KENDALL,

Chairman.

Mr. Kendall moved to lay the whole subject matter on the table.

The ayes and noes were demanded by Messrs. Kendall, Mandeville and Hook, with the following result :

## AYES.

Messrs. Colby, Day, Hook, Kendall, Mandeville, May, McGarry, Moore, Norman, Sprague and Stebbins—11.

## NOES.

Messrs. Burton, Crenshaw, French, Hall, Hawks, Hawthorne, Heintzelman, Leake, McCoun, Peck, Tuttle and Whiting—12.

Report concurred in.

On motion, the amendments proposed by the Conference Committee were adopted.

The following message was received from his Excellency the Governor :

EXECUTIVE DEPARTMENT,  
Sacramento, May 3, 1855. }

*To the Senate of California :*

I have this day approved an Act which originated in the Senate, entitled An Act to cede certain property to the city of Benicia.

I have ever, heretofore, not only questioned the policy, but have been opposed to ceding, without consideration, the property of the State, either to individuals or corporations ; but in view of the fact, that the removal of the Capital in the year 1854 from the city of Benicia, after it had been there located, and the citizens of that place had incurred considerable expense in providing buildings for the Legislature and State Officers, injuriously affected the interests of the place, it is deemed but an act of simple justice to cede to the city of Benicia the property described in the Act above named.

JOHN BIGLER.

The following message was received from his Excellency the Governor :

EXECUTIVE DEPARTMENT,  
Sacramento, May 3, 1855. }

*To the Senate of California :*

I have this day approved an Act which originated in the Senate, entitled An Act to appropriate money to enable the Trustees of the State Insane Asylum to build a dining room, kitchen, and bath house ; also to purchase furniture to furnish the main building of the same.

JOHN BIGLER.

The following message was received from the Assembly:



*Mr. President:*

The Assembly have this day passed Senate bill No. 67, An Act concerning State and County Treasurers.

J. W. SCOPY,

Assistant Clerk of Assembly.

May 3, 1855.

The following message was received from the Assembly:

*Mr. President:*

The Assembly passed on Friday, April 27, 1855, Assembly bill No. 145, An Act to amend an Act entitled an Act concerning the office of Public Administrator, and making it elective, April 15, 1851.

They have also concurred in Senate amendments to Assembly bill No. 32, An Act to authorize J. R. N. Owen, of Butte county, to demand and collect tolls on what is known as Owen's turnpike.

J. W. SCOPY,

Assistant Clerk of Assembly.

May 3, 1855.

Assembly bill No. 145, An Act to amend an Act entitled an Act concerning the office of Public Administrator, and making it elective, passed April 15, 1851.

Taken up, and,

On motion, was referred to the Judiciary Committee.

Assembly bill for An Act explanatory of and supplemental to an Act entitled an Act to re-incorporate the city of San Francisco.

Taken up,

Mr. Hawks offered the following amendment:

Section 54, of said Act, shall be construed so as to define that one of the eight persons to be elected as members of the Board of Education under the provisions of said section, shall be elected from each Ward of the city of San Francisco as now divided, and that the Superintendent of Common Schools shall be elected from the city at large.

Adopted.

The bill was then read third time, and passed.

On motion of Mr. McGarry, the Senate took up Senate bill, An Act to provide for the Occupation of State Convicts.

Mr. Mahoney moved that the bill be re-committed to a select Committee, with the following instructions:

First, Strike out ten thousand and insert seven thousand dollars per month.

Second, Strike out Secretary, and insert Surveyor General.

Third, The Board of Commissioners shall advertise, for the period of twenty days, in two daily papers in the State, for sealed proposals, in manner and form as prescribed in an Act entitled an Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract, passed May 11, 1853: and they shall, at the expiration of said twenty days, in presence of the State Treasurer, open and examine all proposals received, and award the contract to the lowest responsible bidder. The Commissioners, on and after the contract shall have been awarded to the lowest responsible bidder, shall appoint one competent person, whose duty it shall be to oversee said work, and monthly affirm, under oath, that the work has been performed in a good workmanlike manner, and that the proper

materials to render the work lasting and safe have been used in the same, according to the specification. Said overseer shall receive such compensation as the Commission may determine. Within ten days after the passage of this Act, and before the contract authorized by it shall be made, the Lessee of the State Prison shall execute to the State a new and good and sufficient bond for the safekeeping of the convicts, under the Act of April 25, 1851, to be approved by the Commissioners named in this Act, which bond, when so executed and approved, shall be filed in the office of the Secretary of State.

Mr. Hawks demanded the previous question.

Sustained.

The question then being, Shall the main question now be put ?

It was decided in the affirmative.

The main question being on the motion to re-commit the bill, with instructions, to a select Committee,

The ayes and noes were demanded by Messrs. Mahoney, Tuttle, and Hawks, with the following result:

AYES.

Messrs. Burton, Day, De La Guerra, Flint, Lippincott, Mahoney, Mandeville, McFarland, McNeil, Norman, Scellen, Sprague, Stebbins and Tuttle—14.

NOES.

Messrs. Crenshaw, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keeue, Kendall, Leake, May, McCoun, McGarry, Moore and Whiting—16.

On the final passage of the bill,

The ayes and noes were demanded by Messrs. Burton, Sprague and McGarry, with the following result:

AYES.

Messrs. Crenshaw, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, May, McCoun, McGarry, Scellen, Stebbins and Whiting—17.

NOES.

Messrs. Burton, Colby, Day, De La Guerra, Flint, Lippincott, Mahoney, Mandeville, McFarland, McNeil, Norman, Sprague and Tuttle—13.

Mr. McFarland offered the following amendment to the title:

“An Act to appropriate, out of the Treasury of the State, the Sum of Ten Thousand Dollars per Month to James M. Estill, for the Term of Eight Months.”

Upon the adoption of the amendment,

The ayes and noes were demanded by Messrs. McFarland, Tuttle and Norman, with the following result:

## AYES.

Messrs. Burton, Day, De la Guerra, Mahoney, McFarland, McNeil, Norman, Scellen, Sprague and Tuttle—10.

## NOES.

Messrs. Crenshaw, Flint, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, Mandeville, May, McCoun, McGarry, Peck, Rust, Stebbins and Whiting—21.

Mr. French moved to re-consider the vote by which the bill passed.

Mr. Sprague moved to lay the motion to re-consider upon the table.

Mr. Hawks demanded the previous question.

The question then being, shall the main question now be put?

It was decided in the affirmative.

The question being on the motion to lay the motion to re-consider on the table,

The ayes and noes were demanded by Messrs. Sprague, McGarry and Burton, with the following result:

## AYES.

Messrs. Burton, Day, Mahoney, McFarland, Norman, Scellen, Sprague and Tuttle—8.

## NOES.

Messrs. Colby, Crenshaw, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Lippincott, May, McCoun, McGarry, Peck, Stebbins, and Whiting—19.

On the motion to re-consider the vote by which the bill passed,

The ayes and noes were demanded by Messrs. McGarry, Hawks and Sprague, with the following result:

## AYES.

Messrs. Burton, Day, Mahoney, Mandeville, McFarland, Norman, Scellen, Sprague, Stebbins and Tuttle—10.

## NOES.

Messrs. Crenshaw, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, May, McCoun, McGarry, Moore, Peck, Rust and Whiting—17.

By leave, Mr. Lippincott introduced a bill entitled An Act supplementary to an Act entitled an Act to separate the Office of Collector of Taxes from the Office of Sheriff of the County of Yuba, passed April 27, 1855.

Read first and second time.

Rules suspended.

Read third time and passed.

Mr. McCoun moved to rescind the resolution relative to the regular order of business.

Mr. Sprague moved to adjourn.

Mr. Day moved a call of the Senate.

Mr. McGarry demanded the previous question.

Carried.

Mr. Moore moved to amend the motion offered by Mr. McCoun, by suspending rules temporarily.

Accepted.

The Chair ruled that the resolution could not be temporarily suspended.

Mr. Moore appealed from the decision of the Chair.

The question being shall the decision of the Chair stand as the judgment of the Senate?

The ayes and noes were demanded by Messrs. Sprague, Tuttle and De La Guerra, with the following result :

AYES.

Messrs. Burton, Day, De La Guerra, Flint, Gove, Hawthorne, Mandeville, McGarry, McNeil, Norman, Scellen, Sprague and Tuttle—13.

NOES.

Messrs. Crenshaw, French, Hawkes, Heintzelman, Keene, May, McCoun, Moore, Peck, Rust, Stebbins and Whiting—12.

So the decision of the Chair was sustained.

The question then being on the motion to adjourn,

The ayes and noes were demanded by Messrs. May, McGarry and French, with the following result:

AYES.

Messrs. Burton, Day, De La Guerra, Kendall, Norman, Rust, Scellen, Sprague and Tuttle—9.

NOES.

Messrs. Crenshaw, Flint, French, Gove, Hall, Hawks, Heintzelman, Hook, Keene, Lippincott, May, McCoun, McGarry, Moore, Peck, Stebbins and Whiting—18.

Motion for a call of the Senate.

Agreed to.

The following members were found absent without leave :

Messrs. Leake and Colby.

Mr. Hawks moved that further proceedings under the call be dispensed with.

Agreed to.

Assembly bill No. 339, An Act to authorize the Board of Trustees of the City of San Diego to make Regulations to prohibit the Obstruction, or placing



of Rubbish or Filth, or slaughtering of Animals, in the Streets and Alleys of that part of the City known as Old San Diego, and for sweeping and cleaning the Plaza thereof, was taken up.

Read third time and passed.

Assembly bill No. 19, An Act concerning the Salaries of Officers and Pay of Members of the Legislature, was taken up.

Mr. Sprague moved that the bill be indefinitely postponed.

The ayes and noes were demanded by Messrs. Tuttle, Whiting and Kendall, with the following result:

#### AYES.

Messrs. Colby, Crenshaw, French, Gove, Hall, Hawks, Heintzelman, Hook, Kendall, Mahoney, McGarry, Peck, Scellen, Sprague, Stebbins and Whiting—16.

#### NOES.

Messrs. Burton, Day, De La Guerra, Hawthorne, Mandeville, May, McCoun, McFarland, McNeil, Moore, Norman, Rust and Turtle—12.

Assembly bill No. 298, to amend an Act entitled an Act to create a Board of Supervisors for the County of San Diego and to define their Duties.

Read third time and passed.

The Senate, as in Committee of the Whole, took up Assembly bill No. 181, An Act to provide for funding the Floating Debt of the City of San Francisco, and for the Extinguishment of the same.

On motion of Mr. Mandeville, the Committee rose and reported the bill back to the Senate.

Mr. Mandeville moved to strike out "six per cent." and insert "seven per cent."

Mr. Scellen demanded the previous question.

The Chair ruled that the question would be first upon the amendments offered by Mr. Mandeville and then upon the amendments offered by the Committee.

Mr. French appealed from the decision of the Chair.

Not sustained.

The previous question then being on the motion to strike out "six" and insert "seven,"

The ayes and noes were demanded by Messrs. Hawks, Mandeville and Flint, with the following result:

#### AYES.

Messrs. Colby, Crenshaw, French, Hall, Heintzelman, Hook, Leake, Lippincott, Mandeville, McGarry, Moore, Peck and Scellen—13.

#### NOES.

Messrs. Burton, Day, Flint, Gove, Hawks, Hawthorne, Keene, Kendall, Mahoney, May, McFarland, McNeil, Norman, Rust, Sprague, Stebbins, Tuttle and Whiting—18.

The amendment offered by Mr. Flint, in Committee of the Whole, to the 2d Section, was adopted.

The amendment offered in Committee of the Whole to Section 5 was adopted.

Mr. Tuttle, in Committee of the Whole, offered the following additional section :

Sec. 7. The said Fund Commissioners shall have power and it shall be their duty to issue bonds of the City of San Francisco, in like manner as other bonds named in this Act, payable to the State of California in the sum total of 165,000 dollars, in bonds of 1000, dollars each payable in five years from their date, with interest at the rate of seven per cent per year, interest payable semi-annually, on the first days of July and January of each year, at the office of the Controller of State ; which bonds shall be delivered by the said Board of Commissioners to the Controller of State, who shall receive and keep the same. The Common Council in the year 1855, and annually thereafter, shall levy on the taxable property of said city a tax sufficient to pay the interest on said bonds as it falls due, and one-fifth of the principal annually, so that all the principal and interest may be paid at the end of five years from the date of said bonds. All payments on said bonds shall be made to the Treasurer of State, and upon the presentation of the receipt of the Treasurer, the Controller shall credit the payment on the bonds. The Attorney General of this State shall call for legal process out of any court of this State, to enforce the provisions of this Act.

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Lippincott, Tuttle and Moore, with the following result :

AYES.

Messrs. Burton, Day, Flint, French, Hawthorne, Heintzelman, Kendall, Leake, McCoun, McFarland, McNeil, Norman, Peck, Rust and Tuttle—15.

NOES.

Messrs. Crenshaw, De La Guerra, Gove, Hall, Hook, Keene, Lippincott, Mahoney, Mandeville, May, McGarry, Moore, Scellen, Sprague, Stebbins and Whiting—16.

On the final passage of the bill, the ayes and noes were demanded by Messrs. Hawks, Tuttle and Moore, with the following result :

AYES.

Messrs. Colby, Crenshaw, Day, De La Guerra, Gove, Hall, Hawks, Hawthorne, Hook, Lippincott, Mahoney, May, McGarry, McNeil, Moore, Peck, Rust, Scellen, Sprague, Stebbins and Whiting—21.

NOES.

Messrs. Burton, Flint, French, Heintzelman, Kendall, Leake, Mandeville, McCoun, McFarland, Norman and Tuttle—11.

Mr. Hawks offered the following title to the bill :

An Act to provide for Funding the Legal and Equitable Debt of the City of San Francisco, and for the final Redemption of the same.

Adopted.

Mr. Hawks moved to re-consider the vote by which the bill passed.

Mr. McFarland moved to adjourn.

Lost.

Mr. Mandeville demanded the previous question.

Sustained.

On re-considering the vote by which the bill passed, the ayes and noes were demanded by Messrs. Tuttle, Hawks and May, with the following result :

AYES.

Messrs. Burton, Flint, French, Gove, Heintzelman, Kendall, Mandeville, May, McFarland, Norman, Peck, Rust and Tuttle—13.

NOES.

Messrs. Colby, Crenshaw, Day, De La Guerra, Hall, Hawks, Hawthorne, Hook, Keene, Lippincott, Mahoney, McGarry, McNeil, Moore, Sprague and Whiting—16.

Mr. Hawthorne moved to adjourn.

The ayes and noes were demanded by Messrs. Mandeville, Tuttle and French, with the following result :

AYES.

Messrs. Burton, Day, De La Guerra, Flint, Hall, Kendall, May, McFarland, Rust, Sprague, Tuttle and Whiting—12.

NOES.

Messrs. Colby, Crenshaw, French, Hawks, Hawthorne, Heintzelman, Hook, Keene, Lippincott, Mandeville, McGarry, McNeil, Moore, Norman and Peck—15.

Mr. McGarry moved to take a recess until 7½ P. M.

Lost.

On motion of Mr. Tuttle, the Senate adjourned.

SAM. PURDY,

President of Senate.

C. DICKINSON,

Secretary of Senate.

## IN SENATE.

SATURDAY, May 5, 1855.

Senate met pursuant to adjournment.

The President of the Senate in the chair.

Prayer by Rev. Mr. Pratt.

The Journal of yesterday was read and approved.

Mr. Leake reported back, without recommendation, Assembly bill No. 377, An Act to organize the County of Remondo out of the County of San Francisco.

Mr. Mandeville reported back Senate bill No. 20, An Act amendatory of an Act concerning Roads and Highways, passed April 11, 1850, and recommending its indefinite postponement.

Agreed to, and the bill was indefinitely postponed.

Mr. Sprague offered the following report:

*Mr. President :*

The Judiciary Committee have had under consideration Assembly bill No. 145, for An Act to amend an Act entitled an Act concerning the office of Public Administrator, and making it elective, passed April 15, 1851, and now ask leave to report the same back to the Senate without amendment, and recommend its passage.

R. T. SPRAGUE,  
Chairman.

Senate bill No. 53, An Act to authorize C. M. Radcliffe, E. S. Marvin, G. W. Van Benschoten, and Horace Carpentier, to construct a Turupike Road from the City of Oakland, across the Coast Range, to the City of Sonora.

Taken up, and,

On motion, was indefinitely postponed.

Mr. Tuttle moved to take up Assembly bill relative to Salaries of the State Officers, that had been laid on the table.

Objected to.

The Chair (Mr. McGarry) decided that objections having been made, the bill could not be taken up.

Mr. Tuttle appealed from the decision of the Chair.

The question being, Shall the decision of the Chair stand as the judgment of the Senate?

It was decided in the affirmative.

Leave being granted, Mr. Lippincott introduced a bill for An Act for the relief of the San Francisco Manufacturing Company.

Read first time, and laid over under the rule.

Assembly bill No. 297, An Act to legalize the Acts of the County Recorder of the County of San Diego while acting as County Auditor since the third day of May, 1852.

Taken up, read third time, and passed.



Assembly bill No. 110, An Act supplementary to an Act entitled an Act to regulate Elections, passed March 23, 1850.

Taken up, read third time, and passed.

Assembly bill No. 218, An Act amending an Act entitled an Act to establish an Asylum for the Insane of the State of California, passed May 17, 1853.

Taken up, and,

On motion, was indefinitely postponed.

Assembly bill No. 304, An Act to instruct the State Treasurer to issue a duplicate School Land Warrant to George W. Coffee.

Taken up, and,

On the motion to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Crenshaw, Flint, and Hawthorne, with the following result:

AYES.

Messrs. Burton, Day, French, Hall, Heinzelman, Hook, Kendall, Leake, May, McCoun, McFarland, McGarry, McNeil, Peck, Scellen, and Stebbins—16.

NOES.

Messrs. Crenshaw, Flint, Gore, Hawks, Hawthorne, Mahoney, Mandeville, Moore, Rust, and Sprague—9.

Assembly bill No. 130, An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

Taken up, amendments concurred in, bill read third time, and passed.

Assembly bill No. 81, An Act to legalize certain Records in San Luis Obispo County.

Taken up, and,

On motion of Mr. Sprague, the word "legitimated" was stricken out of the first section, and the word "legalized" inserted.

The bill was then read third time and passed.

Assembly bill No. 235, An Act amendatory of an Act to provide for the protection of Foreigners, and to define their liabilities and privileges, passed March 30, 1853.

Taken up, and,

On motion, was indefinitely postponed.

Assembly bill No. 338, An Act to prevent the improper and criminal use of Deadly Weapons.

Mr. Hook moved to amend by striking out the words "sword cane."

Mr. May moved to strike out "pistols, bowie knives, and other deadly weapons."

Mr. Peck demanded the previous question.

Sustained.

On the amendment offered by Mr. Hook, the same was lost.

On the amendment offered by Mr. May, the same was lost.

The bill was then read a third time, and passed.

On motion, the Senate took up Senate bill, An Act for the relief of the San Francisco Manufacturing Company.

Read second time, and referred to the Committee on State Prison, with instructions to report the same back this afternoon.

The Senate took up the resolution authorizing the payment to W. A. Cornwall for copies of the Journals of the Senate.

On motion, was indefinitely postponed.

The Senate took up Assembly bill No. 24, An Act to provide for the registry of the Names of legally qualified Voters in the City and County of San Francisco, prior to being permitted to vote at any general or municipal election.

Mr. Maudeville moved the previous question.

Mr. French moved a call of the Senate.

Agreed to.

The following Senators were found absent without leave: Messrs. Burton, Crenshaw, Gove, Kendall, Leake, and Scellen.

On motion, further proceedings under the call were dispensed with.

Mr. May moved that the bill be indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. May, Hawks, and Mahoney, with the following result:

#### AYES.

Messrs. Burton, Colby, Crenshaw, Day, De La Guerra, French, Gove, Hall, Heintzelman, Hook, Keene, Lippincott, Mahoney, Mandeville, May, McFarland, McGarry, McNeil, Moore, Norman, Rust, Sprague, Stebbins and Whiting—24.

#### NOES.

Messrs. Flint, Hawks, Hawthorne, Kendall, McCoun, Peck, Scellen, and Tuttle—8.

The following message was received from his Excellency the Governor :

EXECUTIVE DEPARTMENT,  
Sacramento, May 4, 1855. }

*To the Senate of California :*

I have this day approved the following Acts, which originated in the Senate :

An Act to amend an Act entitled an Act to fix the Time for holding the Terms of the District Courts throughout the State.

An Act to take the sense of the people of this State at the General Election, A. D. 1855, on the passage of a Prohibitory Liquor Law.

JOHN BIGLER.

The following messages were received from the Assembly:

*Mr. President:*

The Assembly have this day concurred in Senate amendments to Assembly bill No. 181, An Act to provide for funding the Floating Debt of San Francisco and for the Extinguishment thereof.

Senate bill No. 215, An Act amendatory and supplementary to an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, with amendments as therein shown.

Senate bill No. 192, An Act to provide for the Selection of Lands donated by

the United States to the State of California, for the Support of Common Schools and for the Erection of Public Buildings, with an amendment as therein shown.

J. W. SCOBY,  
Assistant Clerk of Assembly.

May 5, 1855.

The Senate took up Senate bill No. 215. An Act amendatory of and supplementary to an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29th, 1851.

Mr. Tuttle moved that the Senate concur in the amendments offered by the Assembly.

Mr. Sprague moved that the Senate non-concur.

On motion a Committee of Free Conference was appointed, consisting of Messrs. Sprague, Tuttle and Leake.

Senate took up Senate bill No. 192, substitute for Senate bill No. 143. An Act to provide for the Selecting of Lands donated by the United States to the State of California, for the Support of Common Schools and for the Erection of Public Buildings.

On motion, the Assembly amendments were concurred in.

Assembly bill No. 44, An Act amendatory of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

The bill was considered as in Committee of the Whole.

The Committee rose and reported the bill back with amendments.

On the amendment to the 1st Section,

The ayes and noes were demanded by Messrs. French, Keene and McGarry, with the following result :

AYES.

Messrs. Hall, Mandeville, May, McFarland, McGarry, McNeil, Moore, Rust, Sprague, Tuttle and Whiting—11.

NOES.

Messrs. Crenshaw, Day, French, Gove, Hawks, Hawthorne, Hook, Keene, Seclen and Stebbins—10.

The amendments offered by the Committee were then concurred in.  
Bill read a third time and passed.

Mr. Crenshaw presented the following report :

*Mr. President :*

The Committee on State Prison have had under consideration An Act entitled an Act to provide for Extra Work done on the State Prison Building, and have instructed me to report the same back and recommend its passage.

JNO. T. CRENSHAW.  
Chairman.

The bill was then taken up.

On its passage, the ayes and noes were demanded by Messrs. Flint, French and Rust, with the following result :

AYES.

Messrs. Colby, Crenshaw, De La Guerra, Flint, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Lippincott, Mandeville, McGarry, McNeil, Moore, Norman, Rust and Whiting—20.

NOES.

Messrs. Scellen and Tuttle—2.

Mr. Mandeville gave notice that he would, on Monday, move a re-consideration of the vote by which Assembly bill No. 44, An Act amendatory of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, was passed.

Assembly bill, An Act for the Relief of Mrs. Annie V. R. Wells, was taken up. Read a third time and passed.

On the passage of the title of the bill,

The ayes and noes were demanded by Messrs. Tuttle, Hawks and Kendall, with the following result :

AYES.

Messrs. Burton, Colby, Crenshaw, Day, De La Guerra, Flint, French, Gove, Hall, Hawks, Hawthorne, Hook, Keene, Kendall, Leake, Lippincott, Mahoney, Mandeville, McGarry, Moore, Scellen and Stebbins—22.

NOES.

Messrs. Tuttle and Whiting—2.

Mr. Sprague presented the following report:

*Mr. President:*

The Conference Committee of the Senate and Assembly, appointed upon the disagreement of the two Houses on Senate bill No. 215, substitute for Senate bill No. 184, for An Act amendatory of and supplementary to an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, ask leave to report and recommend that the Senate concur in Assembly amendments.

R. T. SPRAGUE.

Chairman Senate Committee,

C. T. RYLAND,

Chairman Assembly Committee.

Report adopted and concurred in.

The following message was received from the Assembly:



*Mr. President:*

I am directed to inform the Senate that the Assembly have this day passed Senate bill No. 202, An Act expanding of an Act entitled an Act to incorporate the City of San Francisco.

*Respectfully submitted,*

J. M. ANDERSON,

*Clerk of Assembly*

May 6, 1856

The following message was received from the Assembly:

*Mr. President:*

The Assembly have this day concurred in Senate amendments to—

Assembly bill No. 138, An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1855.

Assembly bill No. 41, An Act to regulate certain Records in San Luis Obispo County.

And have appointed Messrs. Ryland, Ashley and Edwards as Committee of Free Conference on the disagreeing vote of the two Houses upon Senate bill No. 215.

J. W. SCOBEE,

*Assistant Clerk of Assembly*

May 5, 1856

*Mr. President:*

The Assembly have this day passed—

Senate bill No. 247, An Act to repeal an Act concerning the Collection of Taxes, now due in the County of Marin.

J. W. SCOBEE,

*Assistant Clerk Assembly.*

May 3, 1856

Senate bill No. 194, substitute for Assembly bill No. 356, An Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1856, was taken up.

Read twice and passed.

Mr. Mason gave notice that he would on Monday next, introduce a concurrent resolution to amend the Eleventh Joint Rule of the Senate and Assembly.

Assembly bill No. 377, An Act to organize the County of Remondo out of the County of San Francisco.

Was taken up and indefinitely postponed.

Assembly bill No. 261, An Act concerning the County Judge of Sacramento County.

Taken up, and,

On motion, was indefinitely postponed.

Assembly bill No. 145, An Act to amend an Act entitled an Act concerning the office of Public Administrator, and making its elective, passed April 15, 1854.

Taken up, read third time and passed.

Assembly bill No. 182, An Act amendatory of an Act, passed May 15, 1854, entitled an Act to amend an Act entitled an Act, to regulate Proceedings in Criminal Cases, passed May 1, 1851, was taken up.

Mr. Whiting moved that the same be indefinitely postponed.

Lost.

The bill was then read time and passed.

Assembly bill No. 333, An Act to re-locate the County Seat of Yolo County by the Qualified Voters of said County.

Taken up, read time and passed.

Senate bill No. 185, An Act to divide the State into Congressional Districts.

Taken up.

Mr. McFarland moved to strike out "1855," and insert "1857."

Mr. Leake moved to lay the bill on the table.

The ayes and noes were demanded by Messrs. Tuttle, Scellen and Burton, with the following result:

AYES.

Messrs. Crenshaw, Gove, Hall, Heintzelman, Hook, Keene, Lippincott, McNeil, Rust, Sprague and Stebbins—11.

NOES.

Messrs. Burton, Colby, Day, De La Guerra, French, Hawks, Hawthorne, Kendall, Leake, Mandeville, May, McFarland, Moore, Scellen and Tuttle—15.

The question was then taken on the amendment offered by Mr. McFarland.

Lost.

Mr. Sprague moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Burton, Scellen and Hawthorne, with the following result:

AYES.

Messrs. Crenshaw, Gove, Hall, Hook, Keene, Leake, Lippincott, Mandeville, McFarland, McNeil, Norman, Rust, Sprague and Whiting—14.

NOES.

Messrs. Burton, Day, French, Hawks, Hawthorne, Kendall, McGarry, Moore, Scellen and Tuttle—10.

Mr. Tuttle moved to adjourn.

The ayes and noes were demanded by Messrs. Tuttle, McGarry and Heintzelman, with the following result:

AYES.

Messrs. Burton, De La Guerra, Lippincott, Mahoney, Mandeville, May, McFarland, Norman, Rust, Scellen, Sprague, Tuttle and Whiting—13.

## NOES.

Messrs. Colby, Crenshaw, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, McGarry, McNeil and Moore—17.

Mr. Crenshaw moved that the Senate take a recess until eight o'clock.

Lost.

Mr. McFarland moved to adjourn.

The ayes and noes were demanded by Messrs. Tuttle, Norman and Crenshaw, with the following result :

## AYES.

Messrs. De La Guerra, Lippincott, Mahoney, May, McFarland, Norman, Rust, Scellen, Sprague and Tuttle—10.

## NOES.

Messrs. Colby, Crenshaw, Day, Flint, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Leake, Mandeville, McGarry, McNeil, Moore and Whiting—19.

Senate bill No. 157, An Act to fix the Time certain Officers of Yuba County shall enter upon the Duties of their Offices, was taken up.

Indefinitely postponed.

Mr. Norman moved to adjourn.

The ayes and noes were demanded by Messrs. Norman, Whiting and May, with the following result:

## AYES.

Messrs. Burton, De La Guerra, French, Kendall, Leake, Lippincott, Mahoney, May, McFarland, Moore, Norman, Sprague, Tuttle and Whiting—14.

## NOES.

Messrs. Colby, Crenshaw, Day, Flint, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Mandeville, McGarry, McNeil and Rust—15.

Senate bill 157, An Act to fix the Time certain Officers of Yuba County shall enter upon the Duties of their Offices, was taken up.

On motion, indefinitely postponed.

Assembly bill No. 357, An Act to fund the Debt of the County of Yolo and provide for the Payment of the same, which accrued from and after the first day of January, 1853, to the first day of April, 1855, was taken up.

Read third time and passed.

Assembly bill No. 385, An Act explanatory of an Act entitled an Act regulating Marriages, passed April 22, 1850, was taken up.

Read third time and passed.

Assembly bill No. 351, An Act to legalize the City Assessment of the City of San Francisco for the Fiscal Years of 1854-5, was taken up.

Mr. Norman moved that the bill be indefinitely postponed.

Lost.

Mr. Norman moved that the bill be laid on the table.

Lost.

The bill was then read a third time and passed.

Mr. Leake gave notice that he would, on Monday, move a re-consideration of the vote just taken.

Mr. Mahoney moved that the Senate do now re-consider the vote.

Lost.

Mr. Colby presented the following report:

*Mr. President:*

The Committee on Engrossment have examined and find correctly engrossed An Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850.

G. W. COLBY,

Chairman.

Mr. Kendall moved that the Sergeant-at-Arms be directed to audit and pay the account of F. O'Brien, for twenty-five days' services, from the fifth to the thirtieth day of April, inclusive.

Carried.

Mr. Sprague moved to adjourn.

The ayes and noes were demanded by Messrs. Leake, Heintzelman and Mandeville, with the following result :

AYES.

Messrs. Burton, Day, De La Guerra, Flint, French, Hall, Hawks, Hawthorne, Kendall, Lippincott, Mahoney, McFarland, Moore, Rust, Sprague and Whiting—16.

NOES.

Messrs. Crenshaw, Gove, Heintzelman, Hook, Keene, Leake, Mandeville, May, McGarry, McNeil, Norman and Tuttle—12.

SAM. PURDY,

President of Senate.

C. DICKINSON,

Secretary of Senate.



## IN SENATE.

MONDAY, May 7, 1855.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Pratt.

The Journal of Saturday was read, and approved.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, }  
 Sacramento, May 5, 1855. }

*To the Senate of California:*

I have this day approved An Act entitled an Act to provide for the purchase of the San Francisco Law Library for the use of the State.

In this connection it is proper to state, that the amount necessary to make the purchase should have been appropriated from the fund authorized to be collected and specially set apart for the purchase of books for the State Library, and not from the General Fund. But, in view of the fact that the amount appropriated can, hereafter, if necessary, by the Legislature, be transferred to the General Fund, and that many of the books authorized to be purchased are not at all times to be obtained, it is deemed proper to approve the Act, although at this time it is with extreme reluctance that I sanction appropriations for objects, which can, for the present, be dispensed with without detriment to the public interests.

JOHN BIGLER.

The following message and accompanying documents were received from his Excellency the Governor:

EXECUTIVE DEPARTMENT, }  
 Sacramento, May 7, 1855. }

*To the Senate of California:*

An Act entitled An Act to repeal an Act concerning the Collection of Taxes now due in the County of Marin, which originated in the Senate, is herewith returned without approval.

It appears that the party named in the Act absented himself for several months from the County, without the consent of the Legislature, or the knowledge or consent of the other County officers. It further appears, that as soon as it was ascertained that he had sailed for the Atlantic States, the Court of Sessions of the County of Marin met and made an appointment to supply the vacancy. But, as there existed doubts, at the time, as to the power of the Court of Sessions to make such appointments, the proper papers were forwarded to the Governor, by whom, under the eighth section of the fifth article of the Constitution, Mr. Clingan, who had previously been appointed by the Court of

Sessions, was appointed and commissioned. The Sheriff by appointment, since taking the oath of office, has performed many and some very important official Acts, all of which, it is feared, would be called in question, if not rendered entirely void, should the Act herewith returned become a law.

At the time the late Sheriff sailed for the Atlantic States, he had collected, but failed to pay over, a considerable sum of money belonging to the State of California and the County of Marin. This money is still due and unpaid by him, and as evidence of the fact, I herewith transmit a copy of a complaint filed in the name of the State of California in the District Court of the Seventh Judicial District, against James T. Stocker, late Sheriff, and James M. Estill and William Reynolds, as sureties, which complaint sets forth that "the said defendant, James T. Stocker, has, as Sheriff and Collector, collected a large amount of State and County Taxes from divers persons in said county, amounting in the aggregate to a large sum of money, to wit: the sum of five thousand four hundred and sixty-seven dollars and fifty-one cents, and has neglected to account for and pay over the same according to law."

The Act herewith returned, not only repeals the Act approved March 8, 1855, in relation to the collection of taxes in the County of Marin, but reinstates in office the late Sheriff, and displaces the officer who has been officiating during the greater part of the time which has elapsed since he left for the Atlantic States.

In fact, the documents herewith transmitted, and which establish the fact that a suit has already been commenced against J. T. Stocker and his sureties for the recovery of a large sum of money due to the State of California, and the County of Marin, render it more than probable that the Act herewith returned has been passed under a misapprehension of facts.

In view, therefore, of all the circumstances of the case, I cannot yield my assent to this Act; believing that it would, perhaps, not only invalidate the official Acts of the present Sheriff, but interfere with the action of the County authorities in the premises.

The present Sheriff has been duly appointed in accordance with law by the County authorities, and afterwards appointed and commissioned by the Governor under the Constitution. Before any action is taken, as to his removal from office, it is absolutely necessary, for the protection of the rights of the people of Marin county, that an Act should be passed legalizing acts done by him in accordance with the law which it is now proposed to repeal.

For these reasons, and also feeling satisfied that great injustice would be done should I approve this Act, it is herewith returned for your further consideration.

JOHN BIGLER.

*State of California, Marin county—District Court, Seventh Judicial District.*

**The State of California vs. James T. Stocker, James M. Estill, and William Reynolds, defendants.**

The People of the State of California, plaintiff in the above entitled cause, complaining of the defendants therein, say: They are indebted to said plaintiff in the sum of five thousand five hundred and sixty-seven dollars and fifty-one cents. For heretofore, to wit, on the seventh day of September, A. D. 1853, the said defendant, James T. Stocker, was elected and appointed to the office of Sheriff of said County of Marin, for the term of two years from the 7th day of October, A. D. 1853, and afterwards accepted said appointment, election, and office of Sheriff of said County, and duly qualified by taking the oath of office

prescribed by law, and by executing, together with said defendants, James M. Estill and William Reynolds, a certain written obligation, which was approved by the County Judge of said County, and filed with the County Clerk of said County, to wit, on the 22d day of October, A. D. 1853, and entered upon the duties of said office, according to law, which said written obligation is in the words and figures following, viz:

"Know all men by these presents, that we, J. T. Stocker of Marin County, in the State of California, are held and firmly bound to the people of the State of California in the sum of twenty five thousand dollars, to be paid to the said people, for which payment, well and truly to be made, we bind ourselves over, and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents, sealed with our seals, and dated this 20th day of October, A. D. 1853.

"Whereas, the above bounden James T. Stocker hath been elected to the office of Sheriff of the County of Marin at the general election held therein on the 7th day of September, 1853: Now, therefore, the condition of the above obligation is such, that if the said James T. Stocker shall well and faithfully in all things perform the duties and execute the office of Sheriff of said County of Marin, during his continuance in said office by virtue of the said election, without fraud, deceit, or oppression, then the above obligation to be void, else to remain in full force.

"JAMES T. STOCKER,

"WM. REYNOLDS,

"J. M. ESTILL.

"Executed in the presence of—

"A. BARNEY."

And further complaining, the said plaintiff says the said defendant, James T. Stocker, was, by virtue of said office of Sheriff of said county, Collector of taxes for said State and county, and the said defendants, J. M. Estill and Wm. Reynolds, by executing said voluntary obligation, became, and were held and firmly bound unto said plaintiff, in the sum of twenty-five thousand dollars, for the faithful performance by the said defendant, James T. Stocker, of the duties of said office of Sheriff, and Collector of State and County Taxes in and for said county, and for the payment of all State and County taxes collected by him for said State and County as such Sheriff and Collector, in the manner and at the times prescribed by law.

And further complaining, the said plaintiff says the said defendant, J. T. Stocker, has, as such Sheriff and Collector, collected a large amount of State and County taxes from divers persons in said county, amounting in the aggregate to a large sum of money; to wit, the sum of five thousand four hundred and sixty-seven dollars and fifty-one cents, and has neglected to account for and pay over the same according to law and the statute in such case made and provided, whereby the said written obligation became forfeited, and the said defendants have become liable and bound to pay to said plaintiff the said sum of five thousand four hundred and sixty-seven dollars and fifty-one cents, so collected as aforesaid by said Sheriff and Collector, and also the further sum of two thousand seven hundred and thirty-three dollars and seventy-five cents, as provided by statute in such cases.

Wherefore, the said plaintiff claims judgment against said defendants for the



sum of eight thousand two hundred and one dollars and twenty-six cents, and costs of this suit.

HANSON, GROAT, & HARALSON,  
Attorneys for Plaintiff.

On motion of Mr. Heintzelman, the foregoing message and documents were laid upon the table.

The following message was received from his Excellency the Governor :

EXECUTIVE DEPARTMENT,  
Sacramento, May 7, 1855. }

*To the Senate of California:*

I have this day approved the following Acts which originated in the Senate :

An Act to provide for the Selection of Lands donated to the State of California, for the Support of Common Schools and for the Erection of Public Buildings

An Act to authorize the Construction of a Wharf at Half-Moon Bay, in the County of San Francisco.

An Act to permit John S. Elet to construct a Canal across the Overflowed Lands from Belmont to the Bay of San Francisco.

It is proper in this connection to state that the two Acts last above named, simply grant to the parties interested in them the right of way over lands presumed to belong to the State of California, and for which privilege a small amount is to be annually paid into the State Treasury. All the other powers and privileges necessary to the accomplishment of the proposed improvements, must hereafter be obtained, by those interested, from the Board of Supervisors, subject to the provisions of an Act approved April 30, 1855, entitled An Act to amend an Act entitled an Act to provide for the Formation of Corporations for certain purposes.

JOHN BIGLER.

The following message was received from the Assembly:

*Mr. President:*

The Assembly, on Saturday the 5th inst., adopted a resolution, rescinding the 15th Joint Rule of the two Houses, and ask the concurrence of the Senate.

They also passed Senate bill No. 122, An Act to provide for the Occupation of the State Prison Convicts, with amendments as therein shown; and have also amended the title. And respectfully ask the concurrence of the Senate.

J. W. SCOBEEY,  
Assistant Clerk of Assembly.

May 7, 1855.

Mr. Mandeville moved that the Senate concur in the resolution of the Assembly, rescinding the 15th standing rule.

Mr. Crenshaw demanded the previous question.

Sustained.

On the motion, Shall the main question now be put ?



The ayes and noes were demanded by Messrs. Tuttle, Moore and Sprague, with the following result :

AYES.

Messrs. Burton, Colby, Crenshaw, De La Guerra, Flint, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Mandeville, May, McCoun, McGarry, McNeil, Norman, Scellen and Whiting—21.

NOES.

Messrs. Day, Rust, Sprague and Tuttle—4.

The question being on the rescinding of the rule,  
The ayes and noes were demanded by Messrs. Tuttle, Sprague and Whiting, with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Mandeville, May, McCoun, McGarry, McNeil, Norman, and Scellen—19.

NOES.

Day, De La Guerra, Flint, Mahoney, McFarland, Moore, Rust, Sprague, Tuttle and Whiting—10.

Mr. Norman presented the following reports :

*Mr. President:*

The Joint Committee on Enrollment have examined and find correctly enrolled the following Acts, viz:

An Act to provide for the Selection of Lands donated by the United States to the State of California for Support of Common Schools and for the Erection of Public Buildings.

An Act explanatory of and Supplemental to an Act entitled an Act to re-incorporate the City of San Francisco.

An Act concerning State and County Treasurers.

An Act to repeal an Act concerning the Collection of Taxes now due in the County of Marin.

An Act amendatory of and supplementary to an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851.

An Act to provide for Extra Work done on the State Prison Building.

W. B. NORMAN,

Chairman.

May 5, 1855.

*Mr. President:*

The Joint Committee on Enrollment have this day presented to the Governor, for his signature, the following Acts, to wit:

An Act to provide for the Selection of Lands donated by the United States to the State of California for the Support of Common Schools and for the Erection of Public Buildings.

An Act explanatory of and supplemental to an Act entitled an Act to re-incorporate the City of San Francisco.

An Act to repeal an Act concerning the Collection of Taxes now due in the County of Marin.

An Act amendatory of and supplementary to an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851.

An Act to provide for Extra Work done on the State Prison Building.

W. B. NORMAN.

Chairman.

May 5, 1855.

On the motion to re-consider the vote by which the Senate refused to concur in Assembly resolution rescinding the fifteenth rule,

The ayes and noes were demanded by Messrs. Mahoney, French and Rust, with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Lippincott, Mandeville, May, McCoun, McGarry, McNeil, Norman, Rust, Scellen and Whiting—22.

NOES.

Messrs. Day, Flint, Mahoney, McFarland, Moore, Sprague and Tuttle—7.

The question was shall the Senate concur in the Assembly concurrent resolution?

The ayes and noes were demanded by Messrs. McFarland, Sprague and Mahoney, with the following result:

AYES.

Messrs. Burton, Colby, Crenshaw, French, Gove, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Lippincott, Mandeville, May, McCoun, McGarry, McNeil, Norman Rust and Scellen—21.

NOES.

Messrs. Day, Flint, Mahoney, McFarland, Moore, Sprague and Tuttle—7.

The Senate took up Senate bill No. 253, An Act to provide for the Occupation of the State Prison Convicts.

Assembly amendments considered.

Mr. Hawks moved that the Senate concur in the amendments offered by the Assembly.

Mr. McGarry demanded the previous question.

Sustained.

Mr. Sprague rose to a point of order, and stated, as point of order, that the amendments of the Assembly were not amendments, but an entirely new bill; new in title and in the substance of the bill; and hence is a substitute, and requires three readings.

The Chair (Lieut. Gov. Purdy) decided the point not well taken.

Mr. Sprague appealed from the decision of the Chair.

The question then being, shall the decision of the Chair stand as the judgment of the Senate?

The ayes and noes were demanded by Messrs. Sprague, Tuttle and Mahoney, with the following result:

#### AYES.

Messrs. Burton, Crenshaw, French, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Lippincott, Mandeville, May, McCoun, McGarry, Rast, Scellen and Whiting—18.

#### NOES.

Messrs. Colby, Flint, Mahoney, McFarland, Sprague and Tuttle—6.

The question then being on concurring in the amendments,

Mr. Sprague demanded a division of the question.

Not sustained.

The question then being on concurring with the amendments of the Assembly,

The ayes and noes were demanded by Messrs. Mahoney, Sprague and Tuttle, with the following result:

#### AYES.

Messrs. Crenshaw, French, Hall, Hawks, Hawthorne, Heintzelman, Keene, Kendall, Lippincott, May, McCoun, McGarry and Scellen—13.

#### NOES.

Messrs. Burton, Colby, Day, Flint, Gove, Hook, Mahoney, Mandeville, McFarland, McNeil, Moore, Norman, Rust, Sprague, Tuttle and Whiting—16.

Mr. McGarry moved that a Committee of Free Conference be appointed to confer with the Assembly on the disagreeing vote on Assembly amendments to Senate bill just taken

Mr. Mahoney moved that a Committee of three be appointed to wait on his Excellency the Governor, to inform him that the Senate had transacted all its business, and to inquire of him if he had any further communication to make to that body.

Mr. Sprague moved to amend by making it a Joint Committee.

Accepted, and carried.

The Chair appointed Messrs. Mahoney, Hall and De La Guerra, on the part of the Senate.

Mr. Keene offered the following resolution:

*Resolved*, (by the Assembly, the Senate concurring.) That the Senate and Assembly do adjourn *sine die*, on Monday, the 7th of May, at 12 P. M.; and that the concurrent resolution fixing the adjournment of the Legislature on the 7th day of May, at 12 M., be and the same is hereby rescinded, so far as it relates to the period of adjournment on said day.

The President decided that the resolution was out of order.

Mr. Keene appealed from the decision of the Chair.

The question then being, Shall the decision of the Chair stand as the judgment of the Senate,

The ayes and noes were demanded by Messrs. Sprague, Tuttle and Hawks, with the following result:

AYES.

Messrs. Burton, Day, De La Guerra, Flint, Lippincott, Mahoney, McFarland, Moore, Rust, Scellen, Sprague, Tuttle and Whiting—13.

NOES.

Messrs. Colby, Crenshaw, Flint, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Mandeville, May, McCoun, McGarry, McNeil and Norman—17.

Mr. French demanded the previous question.

Sustained.

The question then being, Shall the main question now be put?

Decided in the affirmative.

Upon the passage of the resolution offered by Mr. Keene,

The ayes and noes were demanded by Messrs. Keene, Sprague and Tuttle, with the following result:

AYES.

Messrs. Colby, Crenshaw, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Kendall, Mandeville, May, McCoun, McGarry, McNeil and Norman—17.

NOES.

Messrs. Burton, Day, De La Guerra, Flint, Lippincott, Mahoney, McFarland, Moore, Rust, Scellen, Sprague, Tuttle and Whiting—13.

Mr. Sprague presented the following report:

Mr. President:

The Judiciary Committee of the Senate now ask leave to return to the files of  
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the Senate sundry communications and memorials, heretofore referred to them. The subjects alluded to in most of them have been formerly considered and reported upon by your Committee. Want of time precludes action upon others.

Very respectfully submitted,

R. T. SPRAGUE,

Chairman.

JNO. T. CRENSHAW,

W. W. HAWKS,

B. C. WHITING,

G. D. HALL,

CHAS. A. TUTTLE.

Mr. Norman presented the following report :

*Mr. President :*

The Joint Committee on Enrollments have examined and found correctly enrolled the following Senate bill :

An Act supplementary to an Act entitled an Act to separate the Office of Collector of Taxes from the Office of Sheriff of the County of Yuba, passed April 27th, 1855.

W. B. NORMAN,

Chairman.

May 7, 1855.

*Mr. President :*

The Joint Committee on Enrollments have this day examined and presented to his Excellency for his signature, the following Senate bill :

An Act supplementary to an Act entitled an Act to separate the Office of Collector of Taxes from the Office of Sheriff of the County of Yuba, passed April 27th, 1855.

Respectfully submitted,

W. B. NORMAN,

Chairman.

Mr. Mahoney returned sundry papers back to the Senate.

Mr. McGarry presented the following reports:

*Mr. President :*

The Committee on Contingent Expenses, to whom was referred the accounts of Wells, Fargo & Co. and the Pacific Express Co., E. A. Rowe, agent of Adams &

Co., for express charges of Senate, have had the same under consideration, and have instructed me to report the same back for the consideration of the Senate.

All of which is respectfully submitted,

ED. McGARRY,  
Chairman.

*Mr. President:*

The Committee on Contingent Expenses, to whom was referred the account of J. F. Howe, for furnishing copy of Journals to State Printer, while Secretary of Senate in 1850 and 1851, have had the same under consideration, find it correct and have instructed me to report the same back and recommend its payment.

All of which is respectfully submitted.

EDW. McGARRY,  
Chairman.

*Mr. President:*

The Committee on Contingent Expenses, to whom was referred the account of A. F. Melvin, for articles furnished and work done by order of the Sergeant-at-Arms of the Senate, have had the same under consideration, and have instructed me to report the same back, and recommend the payment of \$769 50.

Amount claimed, \$1070 50.

“ allowed, 769 50.

All of which is respectfully submitted,

ED. McGARRY,  
Chairman.

Adopted, and accounts ordered paid.

Mr. Flint returned sundry papers back to the Senate.

Mr. Moore returned petition of Orphan Asylum back to the Senate.

The following message was received from his Excellency the Governor :

EXECUTIVE DEPARTMENT,  
Sacramento, May 7, 1855. }

*To the Senate of California :*

I have this day approved an Act, which originated in the Senate, entitled An Act concerning the State and County Treasurers.

JOHN BIGLER.

The following messages were received from the Assembly:

*Mr. President:*

The Assembly have this day adopted a resolution appointing a Joint Committee of two from each House to wait upon the Governor and inform him that the two Houses, having completed the business of the session, and are now ready to adjourn *sine die*, and request him to inform them whether he has any farther communication to make to them; and have appointed Messrs. Johnston, of San Francisco, and Arrington, as the Committee on the part of the House, and ask the appointment of a similar Committee on the part of the Senate.

J. W. SCOBEEY,  
Assistant Clerk of Assembly.

May 7, 1855.

The following message was received from the Assembly:

*Mr. President:*

The Assembly have this day passed—  
Senate bill No. 252, An Act supplementary to an Act entitled an Act to separate the Office of Collector of Taxes from the Office of Sheriff of the County of Yuba, passed April 27, 1855.

J. W. SCOBEEY,  
Assistant Clerk of Assembly.

May 7, 1855.

The following message was received from the Assembly:

*Mr. President:*

The Assembly have this day adopted—  
A resolution rescinding the concurrent resolution relative to the payment by the State Treasurer of certain Controller's warrants.

J. W. SCOBEEY,  
Assistant Clerk of Assembly.

May 7, 1855.

The following communication was read and laid on the table:

SACRAMENTO CITY, May 4, 1855.

HON. SAMUEL PURDY,

President of the Senate:

On the 1st inst., I prepared a proposition in relation to the State's Prison contract, a copy of which I had the honor to transmit, but neglected to sign. I therefore enclose another, which I desire you to present and have read to the Senate.

Very respectfully, your humble servant,

J. T. HALL.

SACRAMENTO CITY, May 4, 1855.

*To the Honorable the Senate and Assembly of California,**Gentlemen :*

I have no desire to interfere in any manner with the rights or interests of the present lessee, if he desires to retain the Prison contract. But I beg leave to present the following proposition :

If the contract is relinquished by him, or annulled by the Legislature, I am willing to take the contract upon the same conditions and bind myself in the sum fixed in the law, in consideration of their labor, to safely keep the prisoners, and in every respect comply with the Act of 1851, under which the existing contract was executed. I am ready and willing to give ample security for the faithful performance of the contract, in the shape of a bond, signed by men of unquestionable character and ability to meet all engagements.

I am well known to the citizens of Sacramento and San Francisco, especially in the mercantile community, and, if necessary, will give references to gentlemen of the highest respectability in both places, as to character and means to carry out in good faith the provisions of the contract.

All of which is respectfully submitted.

I have the honor to be your obedient servant,

J. T. HALL.

Mr. French submitted the following concurrent resolution:

*Resolved*, (by the Senate, the Assembly concurring) That the Superintendent of Public Buildings be, and he is hereby, requested to enter into a contract with the Supervisors of the County of Sacramento for the use of the building now occupied by the Legislature, the same to be used as offices for the Treasurer, Controller, Secretary of State, Attorney General, Surveyor General, Superintendent of Public Instruction and Quartermaster General, for the term of one year ; *provided*, that the amount of rent to be agreed on in such contract shall not exceed the sum of twelve thousand dollars ; *and, provided further*, that, if such contract shall be so entered into, no rent shall be allowed for any other building for the use of the State officers above mentioned.

Adopted.

The following message was received from the Assembly:

*Mr. President :*

The Assembly have this day concurred in Senate resolution rescinding a part of the resolution for adjourning *sine die*.

J. W. SCOBEE,  
Assistant Clerk of Assembly.

May 7, 1855.

The following message was received from his Excellency the Governor :



EXECUTIVE DEPARTMENT,  
Sacramento, May 7, 1855. }

*To the Senate of California :*

I have this day approved an Act, which originated in the Senate, entitled An Act amendatory of and supplementary to an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851.

Also, An Act to provide for the Payment for Extra Work done on the State Prison.

JOHN BIGLER.

The Senate took up Senate bill No. 241, An Act to provide for the Payment of Rent for the State House.

Mr. McGarry moved that the bill be laid on the table.

The ayes and noes were demanded by Messrs. Norman, Mandeville and McGarry, with the following result:

AYES.

Messrs. French, Hall, Hook, Keene, Lippincott, Mandeville, McCoun, McGarry, McNeil, Norman and Sprague—12.

NOES.

Messrs. Burton, Crenshaw, Day, Flint, Gove, Hawthorne, Rust, Scellen, Tuttle and Whiting—10.

Assembly bill No. 386, An Act supplementary to an Act entitled an Act making Appropriations to defray the Ordinary Civil Expenses of the Government of this State, from the first day of February, 1855, to the first day of February, 1856, passed April 27, 1855.

Amended.

Read third time and passed.

The Senate took up Senate bill No. 250, substitute for Assembly bill No. 118, An Act to amend an Act entitled an Act concerning Fraudulent Conveyances and Contracts, passed April 19, 1850.

Mr. Norman moved that the same be indefinitely postponed.

The ayes and noes were demanded by Messrs. Heintzelman, Norman and Mandeville, with the following result:

AYES.

Messrs. Burton, Crenshaw, De La Guerra, Mahoney, May, McNeil, Norman and Sprague—8.

NOES.

Messrs. Gove, Hawthorne, Heintzelman, Keene, Mandeville, McCoun, McGarry, Stebbins, Tuttle and Whiting—10.

Mr. Norman moved a call of the Senate.

Carried.

The following Senators were found absent without leave:

Messrs. ———

Mr. Hall moved that further proceedings under the call be dispensed with.

The ayes and noes were demanded by Messrs. Norman, McGarry and Hall, with the following result:

AYES.

Messrs. Day, De La Guerra, Gove, Hall, Hawthorne, Heintzelman, Keene, Kendall, Lippincott, Mandeville, May, McCoun, McGarry, Stebbins, Tuttle and Whiting—16.

NOES.

Messrs. Burton, Colby, Flint, Hawks, Hook, Mahoney, McNeil and Norman—8.

Mr. Tuttle demanded the previous question.

Sustained.

The question then being, shall the main question now be put?

It was decided in the affirmative.

On the passage of the bill,

The ayes and noes were demanded by Messrs. Burton, Mandeville and Norman, with the following result:

AYES.

Messrs. Colby, Day, Gove, Hall, Hawthorne, Heintzelman, Keene, Kendall, Lippincott, Mandeville, McCoun, McGarry, Stebbins, Tuttle and Whiting—16.

NOES.

Messrs. Burton, Crenshaw, De La Guerra, Flint, Hawks, Hook, Mahoney, May, McNeil and Norman—10.

Mr. Hawks presented the following report:

*Mr. President:*

The Committee of Conference, to whom was referred Senate bill No. 253, to take under consideration the disagreeing vote of the two Houses on Assembly amendments to said bill, in view of the urgent necessity of some measure with reference to the State Prison, and the shortness of time left for the Legislature to Act, recommend, inasmuch as the Assembly positively refuse to recede in their amendments, that the Senate shall concur in the same.

W. W. HAWKS,  
Chairman.

Mr. Burton moved that the Sergeant-at-Arms be directed to arrest one Richard C. Barry, who had, while within the bar of the Senate, violently assaulted Senator Flint, and had, in consequence, committed a breach of privilege.

The President then directed the Sergeant-at-Arms to arrest the above-named person, and hold him in close custody, to await further instructions.

On motion of Mr. De La Guerra, the Senate went into secret session.

### SECRET SESSION.

On the request of the President and the Senate, Mr. Flint preferred the following charge:

"I am one of the Committee on Claims—and Richard C. Barry has a claim against the State. Mr. Mandeville, however, is on the same committee, and took Mr. Barry's claim more particularly in charge, because he came from his county. About a week ago, in due course of time, the bill came up, for the consideration of the Senate, and the delegation from that county took a very active part in favor of the bill. I spoke to several of the Senators in favor of the claim, not only because I felt it to be just, but because I have in former times known Mr. Barry as a gentleman, when I lived in Galveston, Texas. I did not speak in favor of the bill; leaving the matter, as I stated, more to the delegation from his own county; but I voted for it.

"Well, sir, the bill, in spite of our efforts, was defeated, and soon after, while I was walking in the hall, Mr. Barry came to me and said, 'My bill has not passed?' I told him that it had not, and he then said, 'You are a damned jackass!' I told him I did not like to be called such names, and told him he was a scoundrel. I came into the Senate Chamber, got my hat, and went back into the hall, and walked backward and forward for fifteen minutes, expecting that he would attack me, but I heard nothing farther of the matter. To-day I was sitting reading a newspaper, and I felt a violent blow, which for a time stunned me, but until Mr. Barry was arrested, I did not even know who had struck me."

Mr. McGarry moved a call of the Senate.

Sustained.

The following Senators were found absent without leave—Messrs. Kendall, Leake, Moore, Peck, Rust, and Sprague.

On motion of Mr. Tuttle, further proceedings under the call were suspended.

Mr. Hawks submitted the following preamble and resolution:

*Whereas*, an indignity has been put upon the Senate of California by one R. C. Barry, therefore,

*Resolved*, That the Sergeant-at-Arms be instructed to bring the offender to the bar of the Senate, to be reprimanded by the President; and that he be further instructed to hold said offender in custody, until the adjournment of this body sine die, and then to hand him over to the civil authorities of Sacramento city.

Unanimously adopted.

Mr. Mahoney submitted the following resolution:

*Resolved*, That the President of the Senate be instructed to direct the Door-Keeper not to admit any one within the doors of the Senate under any circumstances, unless members of the Legislature, officers of State, and messengers from the Governor and the Assembly.

Unanimously adopted.

The Secretary was then directed by the President to order the Sergeant-at-Arms to bring the prisoner before the bar of the Senate.

The Sergeant-at-Arms appearing at the bar with the prisoner in custody, the President addressed him as follows:

“Richard C. Barry, I have been instructed publicly to reprimand you for a violation of the privileges of the highest legislative tribunal of this State. Within the bar of the Senate, during its solemn deliberation, you have sought redress for private grievances—fancied or real—growing out of the official acts of a Senator. In performing this duty, imposed upon me by the Senate, let me indulge the hope that your own regret is a sufficient punishment.”

The Secretary was then directed to furnish the Sergeant-at-Arms with a certified copy of the preamble and resolution, and direct that officer to see its provisions strictly enforced.

On motion of Mr. Tuttle, the Senate went into Executive session.

## EXECUTIVE SESSION.

On motion of Mr. Mahoney, the following message from his Excellency the Governor was taken up:

EXECUTIVE DEPARTMENT,  
Sacramento, April 30, 1855. }

*To the Senate of California:*

George Simpton, John Nye, Amos Noyes, and Thomas W. Brennan, have by me been appointed Port Wardens for the port of San Francisco, subject to the approval of the Senate.

The appointments of W. H. Hoburg as Liquor Guager, San Francisco; Edward McGowan, Commissioner of Immigrants, and R. N. Snowden, as State Prison Inspector, made during the recess, and reported at the commencement of the session, it is believed have not been acted upon by the Senate.

JOHN BIGLER.

Mr. Geo. Simpton's appointment as one of the Port Wardens of the city of San Francisco was confirmed by the following vote:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, Gove, Hall, Hawks, Hawthorne, Heintzelman, Hook, Keene, Lippincott, Mahoney, Mandeville, McCoun, McGarry, McNeil, Rust, Scellen, Tuttle, and Whiting—21.



NOES

None.

Mr. John Nye's appointment as one of the Port Wardens of San Francisco, was confirmed by the following vote:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, Gove, Hall, Hawks, Hawthorne, Heintzelman, Keene, Lippincott, Mahoney, Mandeville, McCoun, McNeil, Rust, Scellen, Tuttle, and Whiting—19.

NOES.

Mr. Hook—1.

Mr. Thomas W. Brennan's appointment as one of the Port Wardens of the city of San Francisco, was confirmed by the following vote:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, De La Guerra, Gove, Hall, Hawks, Heintzelman, Keene, Lippincott, Mahoney, McNeil, Rust, Scellen, Tuttle, and Whiting—17.

NOES.

None.

Mr. Amos Noyes' appointment as one of the Port Wardens of San Francisco, was confirmed by the following vote:

AYES.

Messrs. Burton, Colby, Crenshaw, Day, De La Guerra, Gove, Hall, Hawks, Lippincott, Mahoney, McNeil, Rust, Scellen, and Tuttle—14.

NOES.

Messrs. Heintzelman, Mandeville, McGarry, and Norman—4.

Mr. W. H. Hoburg's appointment, as Liquor Guager for the city of San Francisco, was confirmed by the following vote:

AYES.

Messrs. Colby, Crenshaw, De La Guerra, Gove, Hall, Hawks, Heintzelman, Lippincott, Mahoney, McGarry, McNeil, Tuttle and Whiting—13.

NOES.

Messrs. Burton, Hawthorne, Hook, Mandeville and Scellen—5.

Mr. Edward McGowan's appointment, as Commissioner of Immigrants for the city of San Francisco, was confirmed by the following vote :

## AYES.

Messrs. Colby, Crenshaw, Day, De La Guerra, French, Gove, Hall, Hawks, Heintzelman, Keene, Lippincott, Mahoney, McGarry, McNeil, Rust, Scellen and Whiting—17.

## NOES.

Messrs. Burton, Hawthorne, Mandeville, McCoun, Norman and Tuttle—6.

Mr. R. N. Snowden's appointment, as State Prison Inspector, was confirmed by the following vote:

## AYES.

Messrs. Colby, Gove, Hall, Hawks, Hook, Keene, Lippincott, Mahoney, McFarland, McGarry, Rust, Scellen, Sprague and Whiting—14.

## NOES.

Messrs. Burton, French, Hawthorne, Mandeville, McCoun, Norman and Tuttle—7.

On motion of Mr. Hawks, the doors were opened and further secrecy dispensed with.

## IN SENATE.

The Senate then resumed the consideration of the report of the Committee of Conference on the State Prison bill.

Mr. Heintzelman demanded the previous question.

Lost.

Mr. McFarland moved a call of the Senate.

Agreed to.

The following members were found absent without leave:

Messrs. Mahoney, Peck, Flint, Leake and Stebbins.

On motion, leave of absence was granted to Messrs. Peck, Leake and Stebbins.

Mr. Hawks moved to suspend further proceedings under the call.

Lost.

Mr. Whiting moved to suspend further proceedings under the call.

The ayes and noes were demanded by Messrs. McFarland, Tuttle and Rust, with the following result:

## AYES.

Messrs. Crenshaw, French, Hawkes, Hawthorne, Heintzelman, Keene, Kendall, Lippincott, Mandeville, McGarry, Scellen and Whiting—12.

## NOES.

Messrs. Barton, Day, De La Guerra, Flint, McFarland, McNeil, Rust, Sprague and Tuttle—9.

Mr. Whiting moved to lay the whole subject matter upon the table.

The ayes and noes were demanded by Messrs. McFarland, Tuttle and Sprague, with the following result:

## AYES.

Messrs. Burton, Day, Flint, McFarland, McNeil, Norman, Sprague, Tuttle and Whiting—9.

## NOES.

Messrs. Crenshaw, Hall, Hawks, Hawthorne, Heintzelman, Keene, Kendall, Lippincott, Mandeville, May, McCoun, McGarry and Scellen—13.

So the Senate refused to lay the matter on the table.

Mr. Scellen demanded the previous question.

Sustained.

The question then being, shall the main question now be put?

The ayes and noes were demanded by Messrs. Sprague, McFarland and Tuttle, with the following result:

## AYES.

Messrs. Colby, Crenshaw, French, Gove, Hall, Hawks, Hawthorne, Heintzelman, Keene, Kendall, Lippincott, Mandeville, May, McCoun, McGarry, McNeil, Scellen and Whiting—18.

## NOES.

Messrs. Burton, Day, Flint, McFarland, Norman, Sprague and Tuttle—7.

The main question then being, shall the Senate recede from its amendments?

The ayes and noes were demanded by Messrs. Hawks, Sprague and Tuttle, with the following result:

## AYES.

Messrs. Crenshaw, French, Hall, Hawks, Hawthorne, Heintzelman, Keene, Kendall, Lippincott, May, McCoun, McGarry and Scellen—13.

## NOES.

Messrs. Burton, Colby, Day, Flint, Mandeville, McFarland, McNeil, Norman, Sprague, Tuttle and Whiting—10.

The question then recurred on the motion to concur with the Assembly amendments.

The ayes and noes were demanded by Messrs. McFarland, Tuttle and Sprague, with the following result:

## AYES.

Messrs. Crenshaw, French, Hall, Hawks, Hawthorne, Heintzelman, Keene, Kendall, Lippincott, May, McCoun, McGarry and Scellen—13.

## NOES.

Messrs. Burton, Colby, Day, Flint, Hook, Mahoney, Mandeville, McFarland, McNeil, Norman, Sprague, Tuttle and Whiting—13.

There being a tie vote, the name of the President was called and his vote recorded in the affirmative.

So the amendments were concurred in.

Assembly bill No. 376 was taken up.

Read a third time and passed.

On motion of Mr. Hawks, the Senate took a recess until eleven o'clock, P. M.

## EVENING SESSION.

Mr. Norman offered the following report:

*Mr. President :*

The Joint Committee on Enrollment have examined and find correctly enrolled Senate bill No. 253, An Act to annul the Contract heretofore existing between James M. Estill and the State of California, for the Keeping of the State Prison Convicts and to provide for the Safe-Keeping of said Convicts.

W. B. NORMAN,  
Chairman.

Mr. Norman presented the following report:

*Mr. President :*

The Committee on Enrollment have this day offered to the Governor, for his approval, the following Act, viz:

An Act to amend the contract heretofore existing between James M. Estill and the State of California, for the Keeping of the State Prison Convicts and to provide for the Safe-Keeping of the said Convicts.

His Excellency stated that he had already notified your honorable body, officially, that he had no farther communication to make to you; that, although the House Committee had notified him that the Legislature had lengthened the time for adjournment, it would be necessary for a Joint Committee to notify him before he could receive any new business. In fine, his



Excellency refused to receive the bill, and your Committee beg leave to return the same to the Senate.

W. B. NORMAN,  
Chairman.  
JNO. D. SCHELLEN.

The following message was received from the Assembly :

*Mr. President:*

The Assembly have this day adopted a concurrent resolution relative to the appointment of a Committee to wait upon the Governor, and inform him of their still being in session, &c, and have appointed, as a Committee on the the part of the House, Messrs. Flournoy, Beatty and Ferrell, and ask concurrent action on the part of the Senate.

J. W. SCOBEEY,  
Assistant Clerk of Assembly.

May 7, 1855.

Mr. Hawks moved that the Senate concur.

Mr. McGarry demanded the previous question.

Sustained.

The question then being, shall the main question now be put ?

It was decided in the affirmative.

On the motion to concur, it was decided in the affirmative.

The Chair appointed, as the Committee, on the part of the Senate, to wait upon his Excellency, the Governor, Messrs. Whiting, Hawks, and Heintzelman.

On motion of Mr. Norman, the above Committee were instructed to present to his Excellency, for his signature, the State Prison bill.

Mr. McGarry presented the following report:

*Mr. President:*

The Committee on Contingent Expenses have examined the account of Ferris Forman, Post Master, and find it correct, report the same back and recommend its payment.

ED. MCGARRY,  
Chairman.

Report adopted and account ordered paid.

The following communication was received from the Secretary of State, and, on motion of Mr. Kendall, the reading was dispensed with and one thousand copies ordered printed:

SECRETARY OF STATE'S OFFICE, }  
Sacramento, May 7, 1855. }

*To the Hon. the Senate of the State of California :*

In reply to your resolution of the second instant, calling on me to furnish "a statement showing the amount of money appropriated during the present ses-

sion of the Legislature, and also specifying the objects for which the same has been appropriated," I have the honor to present to you the annexed statement, taken from the Acts passed by the present Legislature, and deposited in this office, to the fifth day of this month, inclusive. By this it will be seen, that the appropriations amount, in the aggregate, to one million, one hundred and forty-four thousand four hundred and eleven dollars and seventeen cents, (\$1,144,411 17;) of which, four hundred and twenty-seven thousand three hundred and thirteen dollars (\$427,313) were for last year's deficiencies, as follows:

By Act of January 27, 1855, for deficiencies.....	\$102,500 00
“ February 2, “ “ for State Printer.....	100,000 00
“ March 14, “ “ .....	86,475 00
“ April 24, “ for relief of State Agricultural Society	1,500 00
“ April 30, “ State Prison Inspectors.....	7,200 00
“ March 1, “ relief of Insane Asylum.....	8,500 00
“ March 29, “ “ Louis Bartlett.....	144 00
“ April 28, “ “ P. K. Woodside.....	701 00
“ April 27, “ “ John F. Hayes.....	360 00
“ April 30, “ “ Jesse Sawyer.....	845 00
“ April 11, “ “ B. B. Redding and Geo. Kerr & Co.....	17,713 05
“ April 11, 1855, for deficiency for Survey of Northern Boundary Line.....	1,374 95
“ April 16, 1855, for State Marine Hospital.....	100,000 00
Total, .....	\$427,313 00

Very nearly the whole of this large amount should have been provided for by the Legislature of 1854, and is justly chargeable to that session. An appropriation bill of that session having failed to become a law under the veto of the Governor, the necessary expenses of a great portion of two years have been crowded into one, and in some instances, individuals have claimed and received damages in consequence of there having been no provision made for paying them. Of this character is the sum of seventeen thousand seven hundred and thirteen dollars and five cents, (\$17,713 05,) paid B. B. Redding and George Kerr & Co., for interest, at the rate of two and one-half per cent. per month, paid by them on money expended in the purchase of material and labor for State printing. Had the necessary appropriations been made, this money could never have been demanded by the parties to whom it was paid. The Legislature of 1854, made appropriations amounting in the aggregate to seven hundred and thirty-two thousand seven hundred and forty-eight dollars, and forty-three cents, (\$732,748 43.) This, added to the amount appropriated this year for last year's deficits, would swell the amount of appropriations, justly chargeable to that year, to nearly twelve hundred thousand dollars.

The Act of April 28, 1855, appropriates one hundred and five thousand dollars (\$105,000) to survey and construct a Wagon Road over the Sierra Nevada Mountains. It is very doubtful whether this can be considered as an appropriation. It is true, the Governor has approved the Act; but in his message to the Legislature, announcing this fact, he says:

"This Act appropriates money for a special object, and in my opinion should provide means for the accruing interest on the bonds authorized to be issued, and their ultimate redemption. It should also have contained a provision submitting the Act to a vote of the people at the next general election.

"These objections, however, can all be obviated by the passage of another

Commissioners.....	22,000 00
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March 14.	For contingent expenses of Supreme Court....	11,825 00
"	" " Controller's office.....	3,000 00
"	" " Treasurer's office.....	2,850 00
"	" " Secretary State's office..	1,900 00
"	" " Attorney General's office.	2,400 00
"	" " Superintendent Pub. Ins..	2,850 00
"	" " Surveyor General's office.	50 00
"	" " Qr. Master Gen'l's office.	150 00
16.	Act in relation to the contingent expenses of the Legislature:	
	For the contingent fund of the Senate, from Feb. 1, 1855, to Feb. 1, 1856.....	5,000 00
	For Assembly contingent expenses.....	8,000 00
April 16.	Act to provide for the settlement of the affairs of the State Marine Hospital, at San Francisco:	
	For payment of claims against Hospital.....	100,000 00
27.	Act for relief of State Agricultural Society.....	1,500 00
	Act making appropriations to defray the ordinary civil expenses of Government from Feb. 1, 1855, to Feb. 1, 1856:	
	For compensation of Governor.....	10,000 00
"	" " Controller.....	4,500 00
"	" " Treasurer.....	4,500 00
"	" " Secretary of State.....	3,500 00
"	" " Superintendent Pub. Ins.....	4,500 00
"	" " Attorney General.....	2,000 00
"	" " Surveyor General.....	2,000 00
"	" " Quartermaster General.....	2,000 00
"	" " Private Secretary of Governor.	2,500 00
"	" " Clerks in Controller's office....	9,720 00
"	" " Treasurer's office....	6,480 00
"	" " Sec'y State's office....	9,720 00
	For contingent expenses of Governor's office.....	1,500 00
"	" " Controller's office.....	4,000 00
"	" " Treasurer's office.....	3,000 00
"	" " Secretary State's office....	3,000 00
"	" " Superintendent Pub. Ins..	1,000 00
"	" " Surveyor General's office.	2,000 00
"	" " Qr. Master Gen'l's office..	1,000 00
	For indexing and marginal noting laws and journals..	3,000 00
	For copying laws and journals.....	1,200 00
	For contingent expenses of State Library.....	2,500 00
	For rent of armory, and cleaning, repairing and transporting arms.....	1,000 00
	For contingent expenses of Attorney General.....	1,200 00
	For special contingent fund of Governor.....	5,000 00
	For compensation of Justices of Supreme Court....	28,000 00
"	" " District Courts.....	64,000 00
	For contingent expenses of Supreme Court.....	12,000 00
	For compensation and mileage of Lieut. Governor..	1,600 00
"	" " Senators.....	18,500 00
"	" " Assemblymen.....	47,000 00
	For stationery, fuel, lights, &c., for Legislature....	15,000 00



April 27.	For compensation of Officers, Clerks, Porters and Pages of Senate.....	14,000 00
	For compensation of Officers, Clerks, Porters and Pages of Assembly.....	17,000 00
	For contingent expenses of Senate.....	8,500 00
	"    "    "    Assembly.....	15,000 00
	For support of Insane Asylum.....	50,000 00
	For salaries of Resident Superintendent Physician and Visiting Physician of Insane Asylum.....	8,000 00
	For transportation of prisoners.....	25,000 00
	For distributing laws and journals of 1855.....	1,500 00
	For translating laws, Executive and Legislative documents.....	4,000 00
	Purchase of paper for State Printer.....	5,000 00
	For compensation of State Printer.....	55,000 00
	For compensation of Members and Secretary of State Board of Land Commissioners.....	6,500 00
	For compensation of Jno. B. Trask, State Geologist.....	5,000 00
	For compensation of Clerk of Board of Examiners of War Claims.....	900 00
	For prosecuting delinquents by order of Controller of State.....	5,000 00
	For payment of rent of State offices.....	10,000 00
	For fitting up Treasurer's office and purchasing safe..	2,500 00
30.	Act authorizing the Judges of Supreme Court to employ a Secretary:	
	For salary of Secretary of Supreme Court.....	1,800 00
	Act for payment of State Prison Inspectors.....	7,200 00
March 16.	Act to fund the debt of the State:	
	For preparing bonds.....	1,000 00

*Special Acts.*

Feb'y 4.	Act appropriating money to pay postage of Legislature and State Department.....	2,500 00
14.	Act authorizing Board of War Claim Examiners to settle with their Clerk.....	3,000 00
17.	For compensation of Wm. Coates and Saml. R. Weed, for reporting evidence in the contested election case of Galvin and McCurdy .....	100 00
March 29.	For pay of Louis Bartlett, for services as Journal Clerk of the Session of 1854.....	144 00
1.	For relief of the Insane Asylum.....	8,500 00
April 28.	For benefit of the Orphan Asylum of the City of San Francisco .....	10,000 00
	For relief of P. K. Woodside, for services while Clerk of Supreme Court.....	701 00
	For relief of B. Wing and W. H. Williamson, for services as Sergeants-at-Arms to State Prison and State Marine Hospital Committees.....	90 00
27.	For relief of John F. Hayes.....	360 00
30.	For Jesse Sawyer, for services in transporting express matter for State while at Benicia.....	845 00

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April 30.	For compensation of Mrs. Sarah Staples, teacher of the Pioneer School of Tuolumne County.....	400 00
23.	For relief of H. B. & C. E. Paine.....	197 00
	For compensation of B. B. Redding and George Kerr & Co., for work done for the State during the year of 1854.....	17,713 05
	For supplying deficiencies in appropriations for surveying the Northern Boundary of the State.....	1,374 95
2.	For payment of Frank Denver, for services rendered in making repairs on State Capitol.....	1,000 00
	For relief of Addison Martin.....	1,100 00
	For relief of Knox & Farquharson.....	4,671 17
	For relief of Abram T. Melvin.....	18,420 00
28.	For survey and construction of a Wagon Road over the Sierra Nevada Mountains.....	105,000 00
May 3.	To enable the Trustees of the Insane Asylum to build a dining room, kitchen, and bath house, &c.....	15,000 00
April 30.	Act providing Contingent Fund for the arrest of fugitives from justice.....	1,000 00

The following message was received from the Assembly:

*Mr. President:*

I am directed to inform the Senate that the Assembly have non-concurred in Senate amendments to Assembly bill No. 386, and ask that the Senate recede from the same.

J. W. SCOBAY,  
Assistant Clerk of Assembly.

May 7, 1855.

On motion of Mr. May, the Senate receded from their amendments.

Mr Kendall moved,

That the Secretary of the Senate be and is hereby authorized (if necessary to finish the business within the time specified by the Senate) to employ an Assistant, at the per diem of the extra clerks of the Senate; and the Controller of State is hereby authorized to audit the account of said clerk, upon the certificate of the Lieutenant Governor.

Unanimously agreed to.

Mr. Mahoney moved that the Controller of State be authorized to pay to the Porter, Chris. Hurtman four dollars per diem as additional pay and as a just reward for his good conduct and industry, payable out of the Contingent Fund.

Unanimously agreed to.

The following message was received from his Excellency the Governor:

EXECUTIVE DEPARTMENT,  
Sacramento, May 7, 1855. }

*To the Senate of California:*

I have this day approved an Act which originated in the Senate, entitled An Act supplementary to an Act entitled an Act to separate the office of Collector of Taxes from the office of Sheriff in the County of Yuba.

JOHN BIGLER.

The Joint Committee appointed to wait upon the Governor to inform him that they were still in session, reported, through Mr. Hawks,

That they had waited upon his Excellency, and that he had tendered them the following communication :

*Gentlemen of the Joint Committee :*

At 12 o'clock, M., this day, I was waited upon by a Joint Committee of the two Houses of the Legislature, Messrs. Johnston and Arrington, on the part of the Assembly, and Hall and De La Guerra, on the part of the Senate, by whom I was informed that the Legislature had closed the business before them, and were ready to adjourn *sine die*, and desired to be informed whether I had any further communication to make. In reply, I informed the Committee that I had no further communication to make. After these usual final communications between the Legislature and the Executive, the Committee departed. Since which time, I have received no further official communication from the two Houses, until at this moment I am informed by you that both Houses are still in session, not having adjourned as was anticipated at 12 M., and desire to know whether I have now any communication to transmit to either House.

JOHN BIGLER.

The following message was received from his Excellency the Governor :

EXECUTIVE DEPARTMENT,  
Sacramento, May 7, 1855. }

*To the Senate and Assembly of California :*

The Act relative to the State Prison is confessedly one of much importance, and necessarily requires reflection on my part. At this late hour I am not prepared to sanction it. On the contrary, my present impressions are strongly adverse to its provisions.

I will, however, examine carefully its provisions, and after such examination, will duly inform the Legislature of my decision, if in session.

JOHN BIGLER.

On motion of Mr. Burton, the Lieutenant Governor was requested to examine and approve the Journal of to-day's proceedings.

Mr. May offered the following resolution :

*Resolved*, That the thanks of the Senate are hereby tendered to the Secretary and Assistant Secretary of this body, for their uniform urbane and courteous bearing and the industry with which they have respectively performed the duties of their respective offices.

Unanimously adopted.

Mr. McFarland moved that the Secretary be instructed to inform the Assembly that the Senate are now ready to adjourn *sine die*.

Agreed to.

The following message was then received from the Assembly :

*Mr. President:*

I am directed to inform the Senate that the Assembly are now prepared to adjourn *sine die*.

J. M. ANDERSON,  
Clerk of Assembly.

Mr. Scellen offered the following resolution:

*Resolved*, That the acknowledgment and thanks of this body be hereby cordially tendered to the Honorable Lieutenant Governor, President of the Senate, for the courteous and impartial course which he has uniformly adopted in presiding over the deliberations of the Senate during the session which is now drawing to a close.

Unanimously adopted.

The Lieutenant Governor thus addressed the Senate :

*Senators :*

This is the fourth time the Senate of this State has paid me such a compliment.

I feel deeply grateful for the generous expression, and will remember it and your kind forbearance and courtesy through a tedious session, with the most lively sensations. We are soon to separate, to return to our homes, to our people, and may every blessing attend you ; and in your future course through life may you always meet with good health and prosperity. I now declare the Senate adjourned *sine die*.

SAM. PURDY,  
President of Senate.

C. DICKINSON,  
Secretary of Senate.





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